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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

HENRY A. JONES,

Plaintiff,

No. 2:10-cv-3206 MCE EFB P

vs.

SAHOTA, et al.,

Defendants.

ORDER

_____/

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. Pending before the court are plaintiff’s request for counsel and for assistance with responding to discovery. *See* Dckt. Nos. 61, 73, 95.

District courts lack authority to require counsel to represent indigent prisoners in section 1983 cases. *Mallard v. United States Dist. Court*, 490 U.S. 296, 298 (1989). In exceptional circumstances, the court may request an attorney to voluntarily to represent such a plaintiff. *See* 28 U.S.C. § 1915(e)(1); *Terrell v. Brewer*, 935 F.2d 1015, 1017 (9th Cir. 1991); *Wood v. Housewright*, 900 F.2d 1332, 1335-36 (9th Cir. 1990). When determining whether “exceptional circumstances” exist, the court must consider the likelihood of success on the merits as well as the ability of the plaintiff to articulate his claims pro se in light of the complexity of the legal issues involved. *Palmer v. Valdez*, 560 F.3d 965, 970 (9th Cir. 2009).

1 Having considered those factors, the court finds there are no exceptional circumstances in this
2 case. Additionally, the court notes that discovery in this action is now closed, and the court
3 cannot provide plaintiff with legal advice. *See* Oct. 31, 2011 Discovery and Scheduling Order,
4 Dkt. No. 50.

5 Accordingly, IT IS HEREBY ORDERED that plaintiff's requests, Dkt. Nos. 61, 73, 95,
6 are denied.

7 DATED: July 31, 2012.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE

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