

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

JOSEPH MARPEL,

Plaintiff,

No. 2:11-cv-0387 KJN P

vs.

SAUKHLA, et al.,

Defendants.

ORDER


_____ /

Plaintiff, who proceeds in forma pauperis in this prisoner civil rights action, again requests appointment of counsel, pursuant to two filings submitted on state law forms. Not only are the forms inapposite in federal court but, for the reasons previously stated, the court does not find the required exceptional circumstances requiring appointment of counsel at this stage of these proceedings. (See Dkt. No. 9, citing 28 U.S.C. § 1915(e)(1); Mallard v. United States Dist. Court, 490 U.S. 296, 298 (1989); Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991); and Wood v. Housewright, 900 F.2d 1332, 1335-36 (9th Cir. 1990)). Plaintiff’s situation is like that of most prisoner litigants, who must learn the litigation process as their case proceeds, and follow the court’s orders setting forth pertinent deadlines, rules and requirements. Plaintiff has demonstrated the ability to sufficiently articulate his claims, demonstrated by the court’s finding that the initial complaint states potentially cognizable claims for relief. The relevant facts

1 underlying plaintiff's claims appear to be limited and straightforward, and the potentially
2 cognizable legal claims are based on well-established principles. Thus, the court continues to
3 find the absence of exceptional circumstances warranting the appointment of counsel at this time.

4 Accordingly, IT IS HEREBY ORDERED that plaintiff's March 23, 2011 motions
5 for appointment of counsel (Dkt. Nos. 10, 11) are denied without prejudice.

6 DATED: March 31, 2011

7
8 
9 KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

10 marp0387.31kjm