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

WALTER LANGSTON,

Plaintiff,

No. 2:11-cv-1662 DAD P

vs.

ARTURO REYES et al.,

Defendants.

ORDER

_____ /

Plaintiff is a state prisoner proceeding *pro se* with a civil rights action. On November 9, 2012, plaintiff requested appointment of counsel. Plaintiff is advised that back on August 3, 2011, the court issued order dismissing this case without prejudice. Judgment was entered that same day and this civil rights action was closed.

Moreover, the United States Supreme Court has ruled that district courts lack authority to require counsel to represent indigent prisoners in § 1983 cases. See Mallard v. United States Dist. Court, 490 U.S. 296, 298 (1989). In certain exceptional circumstances, the district court may request the voluntary assistance of counsel pursuant to 28 U.S.C. § 1915(e)(1). See Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991); Wood v. Housewright, 900 F.2d 1332, 1335-36 (9th Cir. 1990).

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1 The test for exceptional circumstances requires the court to evaluate the plaintiff's
2 likelihood of success on the merits and the ability of the plaintiff to articulate his claims pro se in
3 light of the complexity of the legal issues involved. See Wilborn v. Escalderon, 789 F.2d 1328,
4 1331 (9th Cir. 1986); Weygandt v. Look, 718 F.2d 952, 954 (9th Cir. 1983). Circumstances
5 common to most prisoners, such as lack of legal education and limited law library access, do not
6 establish exceptional circumstances that would warrant a request for voluntary assistance of
7 counsel. In the present case, the court does not find the required exceptional circumstances.

8 Accordingly, IT IS HEREBY ORDERED that plaintiff's November 9, 2012 (Dkt.
9 No. 11) for appointment of counsel is DENIED. Furthermore, plaintiff is advised that any further
10 documents filed by him will be disregarded and no further orders will issue in response to future
11 filings in light of the fact that this action was dismissed and closed on August 3, 2011.

12 DATED: November 21, 2012.

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16 DALE A. DROZD
17 UNITED STATES MAGISTRATE JUDGE
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