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8	UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
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11	LEE THIEL PAYNE,	No. 2:11-cv-1970-TLN-EFB P
12	Plaintiff,	
13	V.	<u>ORDER</u>
14	MARTIN, et al.,	
15	Defendants.	
16		
17	Plaintiff is a state prisoner proceeding without counsel in an action brought under 42	
18	U.S.C. § 1983. He requests that the court appoint counsel. District courts lack authority to	
19	require counsel to represent indigent prisoners in section 1983 cases. Mallard v. United States	
20	Dist. Court, 490 U.S. 296, 298 (1989). In exceptional circumstances, the court may request an	
21	attorney to voluntarily to represent such a plaintiff. See 28 U.S.C. § 1915(e)(1); Terrell v.	
22	Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991); Wood v. Housewright, 900 F.2d 1332, 1335-36 (9th	
23	Cir. 1990). When determining whether "exceptional circumstances" exist, the court must	
24	consider the likelihood of success on the merits as well as the ability of the plaintiff to articulate	
25	his claims pro se in light of the complexity of the legal issues involved. Palmer v. Valdez, 560	
26	F.3d 965, 970 (9th Cir. 2009). Having considered those factors, the court finds there are no	
27	exceptional circumstances in this case.	
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1	Accordingly, IT IS HEREBY ORDERED that plaintiff's request for appointment of
2	counsel (ECF No. 64) is denied.
3	DATED: January 17, 2014.
4	EDMUND F. BRENNAN
5	UNITED STATES MAGISTRATE JUDGE
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