1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 LEE THIEL PAYNE, No. 2:11-cv-1970-TLN-EFB P 12 Plaintiff. 13 **ORDER** v. 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 once again requests that the court appoint counsel. As plaintiff was 19 previously informed, see ECF No. 65, district courts lack authority to require counsel to represent 20 indigent prisoners in section 1983 cases. Mallard v. United States Dist. Court, 490 U.S. 296, 298 21 (1989). In exceptional circumstances, the court may request an attorney to voluntarily to 22 represent such a plaintiff. See 28 U.S.C. § 1915(e)(1); Terrell v. Brewer, 935 F.2d 1015, 1017 23 (9th Cir. 1991); Wood v. Housewright, 900 F.2d 1332, 1335-36 (9th Cir. 1990). When 24 determining whether "exceptional circumstances" exist, the court must consider the likelihood of 25 success on the merits as well as the ability of the plaintiff to articulate his claims pro se in light of 26 the complexity of the legal issues involved. *Palmer v. Valdez*, 560 F.3d 965, 970 (9th Cir. 2009). 27 Having again considered those factors, the court still finds there are no exceptional circumstances 28 in this case. 1

1	Accordingly, IT IS HEREBY ORDERED that plaintiff's request for appointment of
2	counsel (ECF No. 79) is denied.
3	DATED: July 10, 2014.
4	EDMUND F. BRENNAN
5	UNITED STATES MAGISTRATE JUDGE
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