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8 UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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11 MAHER SUAREZ,

12 Plaintiff,

13 v.

14 JEFFREY BEARD, et al.,

15 Defendants.  
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No. 2:12-cv-2048-KJM-EFB P

ORDER

17 Plaintiff is a state prisoner proceeding without counsel in an action brought under 42  
18 U.S.C. § 1983. He again requests that the court appoint counsel. As plaintiff has been previously  
19 informed, *see* ECF No. 70, district courts lack authority to require counsel to represent indigent  
20 prisoners in section 1983 cases. *Mallard v. United States Dist. Court*, 490 U.S. 296, 298 (1989).  
21 In exceptional circumstances, the court may request an attorney to voluntarily to represent such a  
22 plaintiff. *See* 28 U.S.C. § 1915(e)(1); *Terrell v. Brewer*, 935 F.2d 1015, 1017 (9th Cir. 1991);  
23 *Wood v. Housewright*, 900 F.2d 1332, 1335-36 (9th Cir. 1990). When determining whether  
24 “exceptional circumstances” exist, the court must consider the likelihood of success on the merits  
25 as well as the ability of the plaintiff to articulate his claims pro se in light of the complexity of the  
26 legal issues involved. *Palmer v. Valdez*, 560 F.3d 965, 970 (9th Cir. 2009). Having considered  
27 those factors, the court still finds there are no 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. 79) is denied.

3 DATED: October 27, 2015.

  
EDMUND F. BRENNAN

UNITED STATES MAGISTRATE JUDGE