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

RICARDO VALDEZ,

Plaintiff,

No. 2:12-cv-2854 EFB P

vs.

MATTHEW CATE, et al.,

Defendants.

ORDER

_____/

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

1 On February 5, 2013, plaintiff filed a statement declining the jurisdiction of the
2 magistrate judge. Dckt. No. 12. However, no district judge will be assigned to the case at this
3 time, as plaintiff previously consented to the jurisdiction of a magistrate judge on November 30,
4 2012. Dckt. No. 7.

5 Accordingly, IT IS HEREBY ORDERED that plaintiff's request for appointment of
6 counsel, Dckt. No. 10, is denied.

7 DATED: February 7, 2013.

8 
9 EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE