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8 UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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11 JAMONT L. CALHOUN,  
12 Plaintiff,

13 v.

14 M. GOMEZ, et al.,  
15 Defendants.  
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No. 2:12-cv-2856-GEB-EFB P

ORDER

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 has been  
19 previously informed (*see* ECF Nos. 50, 55), district courts lack authority to require counsel to  
20 represent indigent prisoners in section 1983 cases. *Mallard v. United States Dist. Court*, 490 U.S.  
21 296, 298 (1989). In exceptional circumstances, the court may request an attorney to voluntarily  
22 to 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           Accordingly, IT IS HEREBY ORDERED that plaintiff's request for appointment of  
2 counsel (ECF No. 67) is denied.

3 DATED: January 5, 2015.

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EDMUND F. BRENNAN

UNITED STATES MAGISTRATE JUDGE