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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

11 JAMONT L. CALHOUN, No. 2:12-cv-2856-GEB-EFB P
12 Plaintiff,
13 v. ORDER
14 M. GOMEZ, et al.,
15 Defendants.

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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5 EDMUND F. BRENNAN
6 UNITED STATES MAGISTRATE JUDGE

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