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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TRACYE BENARD WASHINGTON,
Plaintiff,
v.
C. ESSEX, et al.,
Defendants.

No. 2:12-cv-3054 JAM DB

ORDER

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. For the third time, plaintiff requests that the court appoint counsel. (ECF No. 75.) As plaintiff has been previously informed (see ECF Nos. 9; 35), 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 certain exceptional circumstances, the court may request the voluntary assistance of counsel pursuant to 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 again considered those factors, the court still finds there are no exceptional circumstances in this case. Additionally, plaintiff has successfully defeated both defendants’

1 motions for summary judgment without the assistance of counsel. (See ECF No. 74.) This
2 further confirms plaintiff's ability to articulate his claims on a pro se basis.

3 Accordingly, IT IS HEREBY ORDERED that plaintiff's request for the appointment of
4 counsel (ECF No. 75) is denied.

5 Dated: June 15, 2017

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9 DEBORAH BARNES
10 UNITED STATES MAGISTRATE JUDGE

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