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8	UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
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11	HENRY A. JONES,	No. 2:13-cv-0451 AC P
12	Plaintiff,	
13	v.	<u>ORDER</u>
14	P. KUPPINGER, et al.,	
15	Defendants.	
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17	Plaintiff, a state prisoner proceeding pro se with this civil rights action, has filed a request	
18	for appointment of counsel to represent plaintiff at the settlement conference scheduled in this	
19	case on October 5, 2020. See ECF No. 233. Plaintiff states that due to COVID-19 restrictions, he	
20	does not have access to the prison law library. Plaintiff also states that he is confused by the	
21	minute order filed August 12, 2020. ECF No. 232.	
22	Plaintiff has not demonstrated exceptional circumstances warranting the appointment of	
23	counsel to represent him at the scheduled settlement conference. See 28 U.S.C. § 1915(e)(1);	
24	Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991). ¹ Plaintiff has capably represented	
25	$\frac{1}{1}$ The test for exceptional circumstances requires the court to evaluate the plaintiff's likelihood of	
26	success on the merits of his claims and the ability of the plaintiff to articulate his claims pro se in light of the complexity of the legal issues involved. <u>See Wilborn v. Escalderon</u> , 789 F.2d 1328, 1331 (9th Cir. 1986). Circumstances common to most prisoners, such as lack of legal education and limited law library access, do not establish exceptional circumstances warranting	
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28	appointment of counsel.	
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himself throughout the pretrial proceedings in this case, both in his thorough written submissions
 and his articulate video appearance before the undersigned. Moreover, the court previously
 appointed counsel in this case but plaintiff requested his withdrawal. Therefore, plaintiff's
 request for appointment of counsel will be denied.

Plaintiff is informed that, as set forth in the minute order filed August 12, 2020, ECF No.
232, he is scheduled to appear at the October 5, 2020 settlement conference by videoconference,
which shall be arranged by the prison and the court; plaintiff has no responsibility to facilitate this
conference. The court will issue a writ ad testificandum several days before the conference to
ensure plaintiff's appearance.

10 Further, the minute order instructs the parties to submit their non-confidential settlement 11 statements to the court electronically, at the email address for the settlement judge: 12 kjnorders@caed.uscourts.gov If plaintiff is unable to email his statement, he may mail it to 13 Magistrate Judge Kendall J. Newman at 501 I Street, Sacramento CA 95814 (with a notation 14 "October 5, 2020 Settlement Conference"). Plaintiff's statement must arrive at the court at least 15 seven (7) days before the settlement conference. Plaintiff must also send his non-confidential 16 settlement statement to defense counsel, to arrive at least seven (7) days before the conference. 17 The timely preparation and forwarding of his settlement statement is the only responsibility 18 plaintiff has before the conference.

- Accordingly, for the reasons previously stated, IT IS HEREBY ORDERED that plaintiff's
 motion for appointment of counsel, ECF No. 233, is DENIED.
- 21 DATED: September 1, 2020

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ALLISON CLAIRE UNITED STATES MAGISTRATE JUDGE

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