


1 District courts lack authority to require counsel to represent indigent prisoners in section
2 1983 cases. *Mallard v. United States Dist. Court*, 490 U.S. 296, 298 (1989). In exceptional
3 circumstances, the court may request an attorney to voluntarily to represent such a plaintiff. *See*
4 28 U.S.C. § 1915(e)(1); *Terrell v. Brewer*, 935 F.2d 1015, 1017 (9th Cir. 1991); *Wood v.*
5 *Housewright*, 900 F.2d 1332, 1335-36 (9th Cir. 1990). When determining whether “exceptional
6 circumstances” exist, the court must consider the likelihood of success on the merits as well as the
7 ability of the plaintiff to articulate his claims pro se in light of the complexity of the legal issues
8 involved. *Palmer v. Valdez*, 560 F.3d 965, 970 (9th Cir. 2009). Having considered those factors,
9 the court finds there are no exceptional circumstances in this case.

10 Therefore, IT IS HEREBY ORDERED that:

- 11 1. The order dismissing this action (ECF No. 13) is vacated and the Clerk of the Court is
12 directed to re-open the case.
- 13 2. Plaintiff’s request for counsel (ECF No. 15) is denied.
- 14 3. The court will screen the amended complaint (ECF No. 16) pursuant to 28 U.S.C.
15 § 1915A in due course.

16 Dated: November 25, 2013.

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18 EDMUND F. BRENNAN
19 UNITED STATES MAGISTRATE JUDGE
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