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7	UNITED STATES DISTRICT COURT	
8	FOR THE EASTERN DISTRICT OF CALIFORNIA	
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10	JOSEPH LAVERY,	No. 2:13-cv-2083 MCE AC P
11	Plaintiff,	
12	v.	<u>ORDER</u>
13	B. DHILLON, et al.,	
14	Defendants.	
15		
16	Plaintiff, a state prisoner proceeding pro se with a civil rights action, has requested	
17	appointment of counsel. ECF No. 226. The instant motion for the appointment of counsel was	
18	docketed the same day that the court issued an order denying plaintiff's most recent motions for	
19	the appointment of counsel filed May 29, 2020 and June 4, 2020. See ECF Nos. 223, 224, 225.	
20	The United States Supreme Court has ruled that district courts lack authority to require	
21	counsel to represent indigent prisoners in § 1983 cases. Mallard v. United States Dist. Court, 490	
22	U.S. 296, 298 (1989). In certain exceptional c	circumstances, the district court may request the
23	voluntary assistance of counsel pursuant to 28	U.S.C. § 1915(e)(1). <u>Terrell v. Brewer</u> , 935 F.2d
24	1015, 1017 (9th Cir. 1991); Wood v. Housewright, 900 F.2d 1332, 1335-36 (9th Cir. 1990).	
25	The test for exceptional circumstances requires the court to evaluate the plaintiff's	
26	likelihood of success on the merits and the ability of the plaintiff to articulate his claims pro se in	
27	light of the complexity of the legal issues involved. See Wilborn v. Escalderon, 789 F.2d 1328,	
28	1331 (9th Cir. 1986); <u>Weygandt v. Look</u> , 718	F.2d 952, 954 (9th Cir. 1983). Circumstances
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1	common to most prisoners, such as lack of legal education and limited law library access, do not	
2	establish exceptional circumstances that would warrant a request for voluntary assistance of	
3	counsel.	
4	Other than plaintiff's assertion that he is unable to do legal work due to prison	
5	reconfiguration related to the pandemic, this particular request for the appointment of counsel	
6	provides no information that is substantively any different from plaintiff's most recently filed	
7	motions, which were denied.	
8	Accordingly, IT IS HEREBY ORDERED that plaintiff's motion for the appointment of	
9	counsel, filed June 17, 2020 (ECF No. 226), is DENIED.	
10	DATED: June 22, 2020	
11	allon Clane	
12	ALLISON CLAIRE UNITED STATES MAGISTRATE JUDGE	
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