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8	UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
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11	VANCE BLAINE,	No. 2:13-cv-2163 KJM AC P
12	Plaintiff,	
13	V.	ORDER
14	CALIFORNIA HEALTH CARE FACILITY, et al.,	
15	Defendants.	
16	Derendants.	
17		
18	Plaintiff, a state prisoner proceeding pro se with a civil rights action, has requested	
19	appointment of counsel.	
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 circumstances, the district court may request the	
23	voluntary assistance of counsel pursuant to 28 U.S.C. § 1915(e)(1). Terrell v. Brewer, 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. Palmer v. Valdez, 560 F.3d 965, 970 (9th	
28	Cir. 2009) (district court did not abuse discretion in declining to appoint counsel); <u>Wilborn v.</u>	
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<u>Escalderon</u>, 789 F.2d 1328, 1331 (9th Cir. 1986); <u>Weygandt v. Look</u>, 718 F.2d 952, 954 (9th Cir.
 1983).

The court ordered service of plaintiff's first amended complaint upon four defendants
(doctors) by order filed on October 21, 2014.¹ ECF No. 21. Plaintiff requests appointment of
counsel, asserting that his "blindness" forecloses his ability to access the prison law library. ECF
No. 25. Plaintiff includes a letter from what appears to be his primary care physician, confirming
that plaintiff suffers from a "severe vision impairment" and can neither read nor write on his own.
<u>Id.</u> at 6. Medical documentation indicates plaintiff is "legally blind." <u>Id.</u> at 7.

As plaintiff has been previously informed, circumstances common to most prisoners, such
as lack of legal education and limited law library access, do not establish exceptional
circumstances that would warrant a request for voluntary assistance of counsel. See Order, ECF
No. 18, filed on September 25, 2014. The court has also noted that prisoner-plaintiffs proceeding
pro se are commonly afflicted with disabilities but are able nonetheless to proceed with their
litigation on their own. Id. at 5-6.

Plaintiff has been able, with or without inmate assistance, to proceed to the point of
having framed colorable claims of a violation of the Eighth Amendment in the treatment of his
visual impairment/conditions by four defendant physicians. At this time, the court does not find
the requisite exceptional circumstances.

Accordingly, IT IS HEREBY ORDERED that plaintiff's October 14, 2014 and November
24, 2014 motions for the appointment of counsel (ECF Nos. 20 and 25) are denied.

21 DATED: December 5, 2014

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ALLISON CLAIRE UNITED STATES MAGISTRATE JUDGE

¹ Plaintiff has consented to dismissal of two defendants and an ADA claim.