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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ALONZO JAMES JOSEPH,  
Plaintiff,  
v.  
T. PARCIASEPE, et al.,  
Defendants.

No. 2:14-cv-0414 GEB AC P

ORDER

Plaintiff, a state prisoner proceeding pro se with a civil rights action, has requested appointment of counsel. ECF No. 44.

The United States Supreme Court has ruled that district courts lack authority to require counsel to represent indigent prisoners in § 1983 cases. Mallard v. United States Dist. Court, 490 U.S. 296, 298 (1989). In certain exceptional circumstances, the district 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).

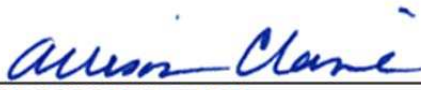
“When determining whether ‘exceptional circumstances’ exist, a court must consider ‘the likelihood of success on the merits as well as the ability of the [plaintiff] to articulate his claims pro se in light of the complexity of the legal issues involved.’” Palmer v. Valdez, 560 F.3d 965, 970 (9th Cir. 2009) (quoting Weygandt v. Look, 718 F.2d 952, 954 (9th Cir. 1983)). The burden

1 of demonstrating exceptional circumstances is on the plaintiff. Id. Circumstances common to  
2 most prisoners, such as lack of legal education and limited law library access, do not establish  
3 exceptional circumstances that would warrant a request for voluntary assistance of counsel.

4 Plaintiff's request is based solely on his limited ability to access the law library. ECF No.  
5 44. While the court is sympathetic to plaintiff's frustration at his limited law library access, it is  
6 not an exceptional circumstance. Moreover, if plaintiff requires additional time to meet a  
7 deadline because of his limited access, he can always file a motion for extra time explaining how  
8 much time he needs and why he needs the extra time. The court also finds that while it is unable  
9 to evaluate plaintiff's likelihood of success on the merits at this time, plaintiff has shown himself  
10 to be capable of expressing his claims without assistance up to this point. For these reasons, the  
11 court does not find the required exceptional circumstances.

12 Accordingly, IT IS HEREBY ORDERED that plaintiff's motion for the appointment of  
13 counsel (ECF No. 44) is denied.

14 DATED: August 2, 2016

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16 ALLISON CLAIRE  
17 UNITED STATES MAGISTRATE JUDGE  
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