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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

GUILLERMO CRUZ TRUJILLO,  
Plaintiff,  
v.  
HITHE, et al.,  
Defendants.

No. 2:14-cv-0584 AC P

ORDER

Plaintiff, a state prisoner proceeding pro se with a civil rights action, and who has filed an application to proceed in forma pauperis, has renewed his request for the appointment of counsel. District courts may not require counsel to represent indigent prisoners in § 1983 cases. Mallard v. United States Dist. Court, 490 U.S. 296, 298 (1989). However, where willing counsel is available, the district court “may request an attorney to represent any person unable to afford counsel.” 28 U.S.C. § 1915(e)(1); Agyeman v. Corrections Corp. of America, 390 F.3d 1101, 1103 (9th Cir. 2004), cert. denied, 545 U.S. 1128 (2005).

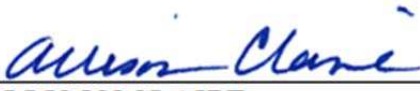
The district court may appoint such counsel where “exceptional circumstances” exist. Palmer v. Valdez, 560 F.3d 965, 970 (9th Cir. 2009), cert. denied, 559 U.S. 906 (2010) (citing Agyeman, 390 F.3d at 1103). In determining whether or not exceptional circumstances exist, “a court must consider ‘the likelihood of success on the merits as well as the ability of the petitioner to articulate his claims pro se in light of the complexity of the legal issues involved.’” Palmer,

1 560 F.3d at 970 (quoting Weygandt v. Look, 718 F.2d 952, 954 (9th Cir. 1983)). Circumstances  
2 common to most prisoners, such as lack of legal education and limited law library access, do not  
3 establish exceptional circumstances that would warrant a request for voluntary assistance of  
4 counsel. See, e.g., Guess v. Lopez, 2014 WL 1883875 at \*5 (E.D. Cal. 2014) (Claire, M.J.).

5 Having considered the factors under Palmer, the court finds that plaintiff has failed to  
6 meet his burden of demonstrating exceptional circumstances warranting the appointment of  
7 counsel at this time. His motion will therefore be denied without prejudice.

8 Accordingly, IT IS HEREBY ORDERED that plaintiff's October 27, 2014 Motion for  
9 Appointment of Counsel (ECF No. 37) is DENIED without prejudice.

10 DATED: November 4, 2014

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12 ALLISON CLAIRE  
13 UNITED STATES MAGISTRATE JUDGE  
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