1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 LARRY GIRALDES, No. 2:14-cv-726-JAM-EFB P 12 Plaintiff. 13 v. **ORDER** 14 OANIA, et al., 15 Defendants. 16 17 Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 18 U.S.C. § 1983. He has again requested that the court appoint counsel. ECF No. 136. 19 As plaintiff has been previously informed (ECF Nos. 19, 36, 93, 109), district courts lack 20 authority to require counsel to represent indigent prisoners in section 1983 cases. Mallard v. 21 United States Dist. Court, 490 U.S. 296, 298 (1989). In exceptional circumstances, the court may 22 request an attorney to voluntarily to represent such a plaintiff. See 28 U.S.C. § 1915(e)(1); 23 Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991); Wood v. Housewright, 900 F.2d 1332, 24 1335-36 (9th Cir. 1990). When determining whether "exceptional circumstances" exist, the court 25 must consider the likelihood of success on the merits as well as the ability of the plaintiff to 26 articulate his claims pro se in light of the complexity of the legal issues involved. *Palmer v*. 27 Valdez, 560 F.3d 965, 970 (9th Cir. 2009). Having considered those factors, the court still finds 28 there are no exceptional circumstances in this case. 1

1	Accordingly, IT IS HEREBY ORDERED that plaintiff's request for appointment of
2	counsel (ECF No. 136) is denied.
3	DATED: May 21, 2018.
4	EDMUND F. BRENNAN
5	UNITED STATES MAGISTRATE JUDGE
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