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8 UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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11 SHAVOUGUE A. MASON,  
12 Plaintiff,  
13 v.  
14 M.L. MARTINEZ, et al.,  
15 Defendants.  
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No. 2:14-cv-1041 MCE AC P

ORDER

17 Plaintiff, a state prisoner proceeding pro se and in forma pauperis with a civil rights  
18 action, has requested appointment of counsel. ECF No. 24.

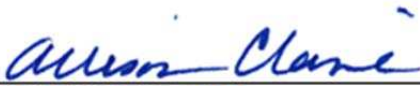
19 The United States Supreme Court has ruled that district courts lack authority to require  
20 counsel to represent indigent prisoners in § 1983 cases. Mallard v. United States Dist. Court, 490  
21 U.S. 296, 298 (1989). In certain exceptional circumstances, the district court may request the  
22 voluntary assistance of counsel pursuant to 28 U.S.C. § 1915(e)(1). Terrell v. Brewer, 935 F.2d  
23 1015, 1017 (9th Cir. 1991); Wood v. Housewright, 900 F.2d 1332, 1335-36 (9th Cir. 1990).

24 The test for exceptional circumstances requires the court to evaluate the plaintiff's  
25 likelihood of success on the merits and the ability of the plaintiff to articulate his claims pro se in  
26 light of the complexity of the legal issues involved. See Wilborn v. Escalderon, 789 F.2d 1328,  
27 1331 (9th Cir. 1986); Weygandt v. Look, 718 F.2d 952, 954 (9th Cir. 1983). Circumstances  
28 common to most prisoners, such as lack of legal education and limited law library access, do not

1 establish exceptional circumstances that would warrant a request for voluntary assistance of  
2 counsel. In the present case, the court does not find the required exceptional circumstances.

3 Accordingly, IT IS HEREBY ORDERED that plaintiff's motion for the appointment of  
4 counsel (ECF No. 24) is denied.

5 DATED: April 2, 2015

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7 ALLISON CLAIRE  
8 UNITED STATES MAGISTRATE JUDGE  
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