1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 ROBERT EPPS, No. 2:14-cv-1347 MCE AC P 12 Plaintiff. 13 v. **ORDER** 14 CSP SACRAMENTO, et al., 15 Defendants. 16 17 Plaintiff is a state prisoner proceeding pro se and in forma pauperis with a civil rights 18 action under 42 U.S.C. § 1983. On October 24, 2014, the court screened the complaint (ECF 19 No. 8), and ordered plaintiff to submit service documents within 30 days. ECF No. 9. Plaintiff 20 has instead filed a motion for appointment of counsel. The motion will be denied. 21 District courts may not require counsel to represent indigent prisoners in § 1983 cases. 22 Mallard v. United States Dist. Court, 490 U.S. 296, 298 (1989). However, where willing counsel 23 is available, the district court "may request an attorney to represent any person unable to afford 24 counsel." 28 U.S.C. § 1915(e)(1); Agyeman v. Corrections Corp. of America, 390 F.3d 1101, 25 1103 (9th Cir. 2004), cert. denied, 545 U.S. 1128 (2005). 26 The district court may appoint such counsel where "exceptional circumstances" exist. 27 Palmer v. Valdez, 560 F.3d 965, 970 (9th Cir. 2009), cert. denied, 559 U.S. 906 (2010) (citing 28 Agyeman, 390 F.3d at 1103). In determining whether or not exceptional circumstances exist, "a 1

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, 560 F.3d at 970 (quoting Weygandt v. Look, 718 F.2d 952, 954 (9th Cir. 1983)). 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, e.g., Guess v. Lopez, 2014 WL 1883875 at *5 (E.D. Cal. 2014) (Claire, M.J.). The court does not find exceptional circumstances in this case, at this time. Accordingly, IT IS HEREBY ORDERED as follows: 1. Plaintiff's motion for the appointment of counsel (ECF No. 15) is DENIED. 2. Within thirty days from the date of this order, plaintiff shall submit the documents specified in the court's October 24, 2014 order at page 5, ¶ 6. DATED: December 3, 2014 UNITED STATES MAGISTRATE JUDGE