

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JEREMY JAMISON.

No. 2:14-cv-1710 GEB KJN P

Plaintiff,

V.

ORDER

YC PARMIA INSURANCE GROUP, et
al.,

Defendants.

18 Plaintiff is a state prisoner, proceeding pro se, in an action brought under 42 U.S.C. §
19 1983. Plaintiff requests that the court appoint counsel. District courts lack authority to require
20 counsel to represent indigent prisoners in section 1983 cases. Mallard v. United States Dist.
21 Court, 490 U.S. 296, 298 (1989). In exceptional circumstances, the court may request an attorney
22 to voluntarily to represent such a plaintiff. See 28 U.S.C. § 1915(e)(1). Terrell v. Brewer, 935
23 F.2d 1015, 1017 (9th Cir. 1991); Wood v. Housewright, 900 F.2d 1332, 1335-36 (9th Cir. 1990).
24 When determining whether “exceptional circumstances” exist, the court must consider plaintiff’s
25 likelihood of success on the merits as well as the ability of the plaintiff to articulate his claims pro
26 se in light of the complexity of the legal issues involved. Palmer v. Valdez, 560 F.3d 965, 970
27 (9th Cir. 2009) (district court did not abuse discretion in declining to appoint counsel). The
28 burden of demonstrating exceptional circumstances is on the plaintiff. Id. Circumstances

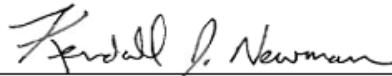
1 common to most prisoners, such as lack of legal education and limited law library access, do not
2 establish exceptional circumstances that warrant a request for voluntary assistance of counsel.

3 To date, plaintiff has responded appropriately to court orders, diligently prosecuted the
4 case, and, at this early stage of the litigation, the court is unable to determine the likelihood of
5 success on the merits. Having considered the factors under Palmer, the court finds that plaintiff
6 has failed to meet his burden of demonstrating exceptional circumstances warranting the
7 appointment of counsel at this time.

8 Accordingly, IT IS HEREBY ORDERED that plaintiff's motion for the appointment of
9 counsel (ECF No. 19) is denied without prejudice.

10 Dated: January 6, 2015

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12 KENDALL J. NEWMAN
13 UNITED STATES MAGISTRATE JUDGE

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