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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ALLEN R. TURK,  
Plaintiff,  
v.  
ASHLEY PFILE, et al.,  
Defendants.

No. 2:14-cv-2186 KJM DB P

ORDER

Plaintiff has requested the appointment of counsel. He states he requires the assistance of counsel to obtain evidence in order to file objections to the undersigned’s findings and recommendation that defendants’ summary judgment motion be granted and because the law library is inadequate.

The United States Supreme Court has ruled that district courts lack authority to require counsel to represent indigent prisoners in § 1983 cases. Mallard v. United States Dist. Court, 490 U.S. 296, 298 (1989). In certain exceptional circumstances, the district court may request the voluntary assistance of counsel pursuant to 28 U.S.C. § 1915(e)(1). Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991); Wood v. Housewright, 900 F.2d 1332, 1335-36 (9th Cir. 1990). The test for exceptional circumstances requires the court to evaluate the plaintiff’s likelihood of success on the merits and the ability of the plaintiff to articulate his claims pro se in light of the complexity of the legal issues involved. See Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th

1 Cir. 1986); Weygandt v. Look, 718 F.2d 952, 954 (9th Cir. 1983). Circumstances common to  
2 most prisoners, such as lack of legal education and limited law library access, do not establish  
3 exceptional circumstances that would warrant a request for voluntary assistance of counsel.

4 Plaintiff had several months to conduct any discovery and several additional months after  
5 he received defendants' summary judgment motion to obtain any documents necessary to oppose  
6 that motion. Plaintiff does not make a showing of exceptional circumstances justifying the  
7 appointment of counsel. Further, the court does not independently find the required exceptional  
8 circumstances.

9 Accordingly, IT IS HEREBY ORDERED that plaintiff's request for the appointment of  
10 counsel (ECF No. 24) is denied.

11 Dated: February 17, 2017

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15 DEBORAH BARNES  
16 UNITED STATES MAGISTRATE JUDGE

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