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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ERNESTO BERRERA,

 Plaintiff,

 v.

J. SIVYER, et al.,

 Defendants.

No. 2:15-cv-0610-KJM-EFB P

ORDER

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. He requests that the court appoint counsel and a Spanish language interpreter. ECF No. 28.

District courts lack authority to require counsel to represent indigent prisoners in section 1983 cases. *Mallard v. United States Dist. Court*, 490 U.S. 296, 298 (1989). In exceptional circumstances, the court may request an attorney to voluntarily to represent such a plaintiff. *See* 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). When determining whether “exceptional circumstances” exist, the court must consider the likelihood of success on the merits as well as the ability of the plaintiff to articulate his claims pro se in light of the complexity of the legal issues involved. *Palmer v. Valdez*, 560 F.3d 965, 970 (9th Cir. 2009). Having considered those factors, the court finds there are no exceptional circumstances in this case.

1 Plaintiff has also requested the assistance of a Spanish language interpreter, as plaintiff's
2 primary language is not English. The court will deny the request at this early stage of the
3 proceedings. Plaintiff's pleadings have been in English and he has succeeded in effectively
4 communicating with the court. Moreover, plaintiff fails to point to any authority authorizing the
5 expenditure of public funds for a court-appointed interpreter in a civil action. *See Gonzalez v.*
6 *Bopari*, No. 1:12-cv-01053-LJO-GBC, 2012 U.S. Dist. LEXIS 178295 (E.D. Cal. Dec. 17, 2012)
7 (discussing lack of statutory authority for court to appoint interpreters in civil in forma pauperis
8 actions).

9 Accordingly, IT IS HEREBY ORDERED that plaintiff's request for appointment of
10 counsel and for a Spanish language interpreter (ECF No. 28) is denied without prejudice.

11 DATED: October 24, 2016.

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13 EDMUND F. BRENNAN
14 UNITED STATES MAGISTRATE JUDGE
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