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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ARTHUR GLENN JONES, SR.,  
Plaintiff,  
v.  
SAM WONG, et al.,  
Defendants.

No. 2:15-cv-0734 GEB AC P

ORDER

Plaintiff, a state prisoner proceeding pro se with a civil rights action, has requested appointment of counsel. 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).

“When determining whether ‘exceptional circumstances’ exist, a 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) (quoting Weygandt v. Look, 718 F.2d 952, 954 (9th Cir. 1983)). The burden of demonstrating exceptional circumstances is on the plaintiff. Id. Circumstances common to

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

3 Plaintiff requests the appointment of counsel to represent him during his deposition on the  
4 ground that counsel would enable him to prepare for the deposition more effectively. ECF No. 37  
5 at 3. There is no evidence that plaintiff is unable to proceed at a deposition without the assistance  
6 of counsel, nor is the taking of his deposition an exceptional circumstance.

7 Accordingly, IT IS HEREBY ORDERED that plaintiff's motion for the appointment of  
8 counsel (ECF No. 37) is denied.

9 DATED: September 11, 2017

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11 ALLISON CLAIRE  
12 UNITED STATES MAGISTRATE JUDGE  
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