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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BRUCE M. DIXON,
Plaintiff,
v.
M. KROENLEIN, et al.,
Defendants.

No. 2:15-cv-1039 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 cites his lack of legal education and limited law library access, as well as the
4 alleged deprivation of his constitutional rights and the fact that defendants will be represented by
5 counsel, as cause for appointing counsel in this case. ECF No. 17. These circumstances are
6 common to most prisoners and do not constitute exceptional circumstances. Additionally,
7 plaintiff has already demonstrated an ability to articulate his claims and at this early stage the
8 court is unable to evaluate his likelihood of success. For these reasons, the court does not find the
9 required exceptional circumstances at this time.

10 Accordingly, IT IS HEREBY ORDERED that plaintiff's motion for the appointment of
11 counsel (ECF No. 17) is denied.

12 DATED: September 9, 2016.

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15 ALLISON CLAIRE
16 UNITED STATES MAGISTRATE JUDGE
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