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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL J. MITCHELL,
Plaintiff,
v.
SNOWDEN, et al.,
Defendants.

No. 2:15-cv-1167 TLN AC P

ORDER

On November 1, 2017, the Ninth Circuit Court of Appeals vacated this court’s judgment dismissing this case on statute of limitations grounds. The Court of Appeals remanded for further proceedings on the question whether plaintiff Mitchell’s mental illness and multiple prison transfers warrant equitable tolling. See ECF No. 43 (Ninth Circuit’s Memorandum opinion in Case No. 16-16848). The Ninth Circuit also directed this court to “reevaluate whether counsel should be appointed in light of Mitchell’s mental illness and medical conditions.” Id. at 2.

The undersigned finds that the present posture of this case, together with plaintiff’s history of serious medical and mental health challenges, meet the requirement of exceptional circumstances warranting the appointment of voluntary counsel. See 28 U.S.C. § 1915(e)(1); Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991); see also General Order No. 230, U.S. District Court, Eastern District of California (setting forth the criteria and procedure for appointment of counsel in Section 1983 cases). The court finds that plaintiff has a reasonable

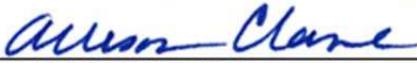
1 likelihood of success on the merits of this action, but is not capable of effectively pursuing his
2 own interests. See Palmer v. Valdez, 560 F.3d 965, 970 (9th Cir. 2009).

3 Therefore, pending issuance of the Court of Appeals' mandate, this court's Alternative
4 Dispute Resolution Coordinator will be directed to commence locating an attorney willing to
5 pursue this action on plaintiff's behalf.

6 Accordingly, IT IS HEREBY ORDERED that the Clerk of Court is directed to
7 immediately contact Ms. Sujean Park, Alternative Dispute Resolution Coordinator, for the
8 purpose of locating an attorney admitted to practice in this court who is willing to accept this
9 appointment.

10 SO ORDERED.

11 DATED: November 6, 2017

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13 ALLISON CLAIRE
14 UNITED STATES MAGISTRATE JUDGE

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