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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PEDRO MIRAMONTES,
Plaintiff,
v.
L. GOWER, et al.,
Defendants.

No. 2:15-cv-1544 JAM CKD P

ORDER

Plaintiff has requested appointment of counsel. The court cannot *require* an attorney to represent a plaintiff who cannot pay for the attorney’s services. Mallard v. United States Dist. Court, 490 U.S. 296, 298 (1989). However, under the federal in forma pauperis statute, 28 U.S.C. § 1915, the court may *request* that an attorney represent a person unable to afford counsel. 28 U.S.C. § 1915(e)(1). The court will make that request only when there are exceptional circumstances. When determining whether “exceptional circumstances” exist, the court considers, among other things, plaintiff’s 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).


In the present case, the court does not find the required exceptional circumstances at this stage of these proceedings.

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Accordingly, IT IS HEREBY ORDERED that plaintiff's motion for appointment of counsel (ECF No. 26) is denied without prejudice.

Dated: August 10, 2016



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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