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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

DEXTER BROWN,

No. 2:15-CV-1687-GEB-CMK-P

Plaintiff,

vs.

ORDER

MONICA MILLER, et al.,

Defendants.

_____ /

Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is plaintiff’s motion for an extension of time (Doc. 13) to file objections to the court’s February 24, 2016, findings and recommendations. Good cause appearing therefor, the request is granted. Plaintiff’s objections are due within 30 days of the date of this order.

Plaintiff also seeks the 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. See Mallard v. United States Dist. Court, 490 U.S. 296, 298 (1989). In certain exceptional circumstances, the court may request the voluntary assistance of counsel pursuant to 28 U.S.C. § 1915(e)(1). See Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991); Wood v.

1 Housewright, 900 F.2d 1332, 1335-36 (9th Cir. 1990). A finding of “exceptional
2 circumstances” requires an evaluation of both the likelihood of success on the merits and the
3 ability of the plaintiff to articulate his claims on his own in light of the complexity of the legal
4 issues involved. See Terrell, 935 F.2d at 1017. Neither factor is dispositive and both must be
5 viewed together before reaching a decision. See id.

6 In the present case, the court does not at this time find the required exceptional
7 circumstances. First, plaintiff has demonstrated an ability to articulate his claims on his own.
8 Second, for the reasons outlined in the February 24, 2016, findings and recommendations, there
9 appears little likelihood of success on the merits.

10 Accordingly, IT IS HEREBY ORDERED that:

- 11 1. Plaintiff’s motion for an extension of time (Doc. 13) is granted;
- 12 2. Plaintiff may file objections to the court’s February 24, 2016, findings and
13 recommendations within 30 days of the date of this order; and
- 14 3. Plaintiff’s request for the appointment of counsel (Doc. 13) is denied.

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16 DATED: July 6, 2016

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18 **CRAIG M. KELLISON**
19 UNITED STATES MAGISTRATE JUDGE
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