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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID W. WILSON,
Plaintiff,
v.
ROBERT W. FOX, et al.,
Defendants.

No. 2:15-cv-2108 MCE DB P

ORDER

Plaintiff has requested the appointment of counsel on the grounds that he is unfamiliar with the law, he has limited access to the law library, and he has various health issues that affect his ability to litigate this case.

Plaintiff does not have a constitutional right to appointed counsel in this action, Rand v. Rowland, 113 F.3d 1520, 1525 (9th Cir. 1997), and the court cannot require an attorney to represent plaintiff pursuant to 28 U.S.C. § 1915(e)(1). Mallard v. United States District Court for the Southern District of Iowa, 490 U.S. 296, 298 (1989). However, in certain exceptional circumstances the court may request the voluntary assistance of counsel pursuant to section 1915(e)(1). Rand, 113 F.3d at 1525.

Without a reasonable method of securing and compensating counsel, the court will seek volunteer counsel only in the most serious and exceptional cases. In determining whether “exceptional circumstances exist, the district court must evaluate both the likelihood of success of

1 the merits [and] the ability of the [plaintiff] to articulate his claims *pro se* in light of the
2 complexity of the legal issues involved.” Id. (internal quotation marks and citations omitted).

3 In the present case, the court does not find the required exceptional circumstances. Even
4 if it is assumed that plaintiff is not well versed in the law and that he has made serious allegations
5 which, if proved, would entitle him to relief, his case is not exceptional. This court is faced with
6 similar cases almost daily. Further, at this early stage in the proceedings, the court cannot make a
7 determination that plaintiff is likely to succeed on the merits. Finally, while plaintiff has
8 submitted certain health forms indicating that he has some health problems, none of these forms
9 implicate plaintiff’s ability to litigate this action.

10 Accordingly, IT IS HEREBY ORDERED that plaintiff’s request for the appointment of
11 counsel (ECF No. 16) is denied with prejudice.

12 Dated: June 2, 2017



DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

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