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8	UNITED STATES DISTRICT COURT					
9	FOR THE EASTERN DISTRICT OF CALIFORNIA					
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11	NATHANIEL DIXON,	No. 2:15-cv-2372 KJM AC P				
12	Plaintiff,					
13	v.	ORDER				
14	D. OLEACHEA, et al.,					
15	Defendants.					
16						
17	Plaintiff, a state prisoner proceeding pro se with this civil rights action, has filed a second					
18	request for appointment of counsel. Plaintiff argues that appointment is warranted because this					
19	case "contains several different legal claims, with each claim involving a different set of					
20	defendants;" involves medical issues that may require expert testimony;" "will require discovery					
21	of documents and depositions of a number of witnesses;" and because jury trial has been					
22	demanded. ECF No. 55.					
23	Although district courts lack authority to require counsel to represent indigent prisoners in					
24	Section 1983 civil rights cases, Mallard v. United States Dist. Court, 490 U.S. 296, 298 (1989), in					
25	certain exceptional circumstances a district court may request the voluntary assistance of counsel					
26	pursuant to 28 U.S.C. § 1915(e)(1), see Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991);					
27	Wood v. Housewright, 900 F.2d 1332, 1335-36 (9th Cir. 1990). Exceptional circumstances					
28	include plaintiff's inability to articulate his cl	aims pro se coupled with a likelihood of success on				

1	the merits of his claims.	See Wilborn	v. Escalderon.	, 789 F.2d 1328	8, 1331 (9th Cir.	1986);
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<u>Weygandt v. Look</u>, 718 F.2d 952, 954 (9th Cir. 1983). Circumstances common to most prisoners,
such as lack of legal education and limited law library access, do not establish the requisite
exceptional circumstances.

5 Plaintiff's first request for appointment of counsel was denied on the ground, inter alia, 6 that plaintiff had capably identified and articulated his claims pro se. ECF No. 8 at 15. Indeed, 7 this case has survived defendants' motion to dismiss plaintiff's First Amended Complaint and 8 now proceeds on the merits of his claims. See ECF Nos. 47, 49. This result supports inferences 9 both that plaintiff has a reasonable possibility of success on the merits of his claims and that he 10 has capably represented himself through this stage of the proceedings. This scenario does not 11 demonstrate exceptional circumstances warranting appointment of counsel at the present time. 12 Therefore, plaintiff's instant request for appointment of counsel will be denied without prejudice. 13 Moreover, this case is set for a settlement conference on June 6, 2019, at which plaintiff is 14 scheduled to appear pro se by videoconference. See ECF Nos. 52, 56.

Accordingly, IT IS HEREBY ORDERED that plaintiff's instant request for appointment
of counsel, ECF No. 55, is denied without prejudice.

17 DATED: May 28, 2019

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ALLISON CLAIRE UNITED STATES MAGISTRATE JUDGE