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7 UNITED STATES DISTRICT COURT
8 FOR THE EASTERN DISTRICT OF CALIFORNIA
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10 JAMES ANTHONY SMITH,

11 Plaintiff,

12 v.

13 SISKIYOU COUNTY JAIL, et al.,

14 Defendants.
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No. 2:15-cv-2534-TLN-EFB P


ORDER

16 Plaintiff is a state prisoner proceeding without counsel in an action brought under 42
17 U.S.C. § 1983. He has again requested the appointment of counsel.

18 As plaintiff was previously informed, *see* ECF No. 39, district courts lack authority to
19 require counsel to represent indigent prisoners in section 1983 cases. *Mallard v. United States*
20 *Dist. Court*, 490 U.S. 296, 298 (1989). In exceptional circumstances, the court may request an
21 attorney to voluntarily to represent such a plaintiff. *See* 28 U.S.C. § 1915(e)(1); *Terrell v.*
22 *Brewer*, 935 F.2d 1015, 1017 (9th Cir. 1991); *Wood v. Housewright*, 900 F.2d 1332, 1335-36 (9th
23 Cir. 1990). When determining whether “exceptional circumstances” exist, the court must
24 consider the likelihood of success on the merits as well as the ability of the plaintiff to articulate
25 his claims pro se in light of the complexity of the legal issues involved. *Palmer v. Valdez*, 560
26 F.3d 965, 970 (9th Cir. 2009). Having considered those factors, the court finds there are no
27 exceptional circumstances in this case. The court will, however, grant plaintiff an extension of
28 time to file a response to defendant Miller’s pending motion to dismiss.

1 Accordingly, IT IS HEREBY ORDERED that plaintiff's request for the appointment of
2 counsel (ECF No. 46) is denied. The court *sua sponte* grants plaintiff an extension of time to file
3 his opposition or statement of no opposition to defendant Miller's March 11, 2020 motion to
4 dismiss. Plaintiff shall file his response to the motion to dismiss within thirty days from the date
5 this order is served.

6 DATED: March 24, 2020.

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8 EDMUND F. BRENNAN
9 UNITED STATES MAGISTRATE JUDGE
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