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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JULIUS ANDERSON,
Plaintiff,
v.
CALIFORNIA MEDICAL FACILITY,
SOLANO, et al.,
Defendants.

No. 2:16-cv-0018 TLN CKD P

ORDER

Plaintiff, a state prisoner proceeding pro se and in forma pauperis, 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). While the court is aware of the difficulties attendant to litigating an action while incarcerated, circumstances common to most prisoners do not establish “exceptional circumstances.”

1 In the present case, the court does not find the required exceptional circumstances at this
2 stage of these proceedings. Plaintiff's request for the appointment of counsel will therefore be
3 denied.

4 Plaintiff has also filed a supplemental pleading. However, Local Rule 220 requires that
5 any pleading filed in this court be complete in itself without reference to any prior pleading.
6 Accordingly, plaintiff's supplemental pleading will be stricken. If plaintiff wishes to file a
7 motion seeking leave to file an amended complaint, he shall do so within 30 days. Plaintiff must
8 include a copy of his proposed amended complaint with his motion.

9 Accordingly, IT IS HEREBY ORDERED that:

- 10 1. Plaintiff's request for the appointment of counsel (ECF No. 16) is denied.
- 11 2. Plaintiff's May 6, 2016 supplemental pleading (ECF No. 15) is stricken.
- 12 3. Plaintiff is granted 30 days within which to file a motion seeking leave to file an
13 amended complaint. Plaintiff must provide a copy of the proposed amended complaint with his
14 motion.

15 Dated: May 10, 2016

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18 CAROLYN K. DELANEY
19 UNITED STATES MAGISTRATE JUDGE

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