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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MATTHEW DENNIS,
Plaintiff,
v.
SCOTT KERNAN, et al.,
Defendants.

No. 2:16-cv-0542 JAM AC P

ORDER

Plaintiff, a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983, has filed a motion for an initial pretrial conference. ECF No. 115. The motion is largely a summary of plaintiff’s various filings and his allegations against the defendants, particularly defendant Mays. Id.

Plaintiff was previously advised that because he is a prisoner proceeding pro se, this case will not be set for a Rule 16 conference. ECF No. 98 at 3. To the extent plaintiff may be seeking a conference to discuss preparations for trial, it has not yet been determined that this case will proceed to trial and the motion is therefore premature.

Plaintiff also requests appointment of counsel on the ground that it will benefit both the court and plaintiff. ECF No. 115 at 14. While it may be true that appointment of counsel would make pursuing this case easier for plaintiff, the same can be said for any other pro se prisoner-plaintiff and therefore does not establish the necessary exceptional circumstances. See Terrell v.

1 Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991) (the district court may request the voluntary
2 assistance of counsel pursuant to 28 U.S.C. § 1915(e)(1) in exceptional circumstances).
3 Furthermore, plaintiff’s chances of success on the merits are not yet clear, and he has shown
4 himself capable of articulating his claims and arguments without assistance. Palmer v. Valdez,
5 560 F.3d 965, 970 (9th Cir. 2009) (“When determining whether ‘exceptional circumstances’
6 exist, a court must consider ‘the likelihood of success on the merits as well as the ability of the
7 [plaintiff] to articulate his claims *pro se* in light of the complexity of the legal issues involved.’”
8 (quoting Weygandt v. Look, 718 F.2d 952, 954 (9th Cir. 1983))).

9 Accordingly, IT IS HEREBY ORDERED that plaintiff’s motion for a pretrial conference
10 and appointment of counsel, ECF No. 115, is DENIED.

11 DATED: June 25, 2021

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13 ALLISON CLAIRE
14 UNITED STATES MAGISTRATE JUDGE
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