



1 locate defendants Venegas, Jr. and Woods for service of process.<sup>1</sup> Thus, his request for counsel  
2 appears to be moot.

3           Regardless, district courts lack authority to require counsel to represent indigent prisoners  
4 in section 1983 cases. *Mallard v. United States Dist. Court*, 490 U.S. 296, 298 (1989). In  
5 exceptional circumstances, the court may request an attorney to voluntarily to represent such a  
6 plaintiff. *See* 28 U.S.C. § 1915(e)(1); *Terrell v. Brewer*, 935 F.2d 1015, 1017 (9th Cir. 1991);  
7 *Wood v. Housewright*, 900 F.2d 1332, 1335-36 (9th Cir. 1990). When determining whether  
8 “exceptional circumstances” exist, the court must consider the likelihood of success on the merits  
9 as well as the ability of the plaintiff to articulate his claims pro se in light of the complexity of the  
10 legal issues involved. *Palmer v. Valdez*, 560 F.3d 965, 970 (9th Cir. 2009). Having considered  
11 those factors, the court finds there are no exceptional circumstances in this case.

12           Accordingly, it is ORDERED that plaintiff’s request for the appointment of counsel (ECF  
13 No. 20) is denied without prejudice.

14 DATED: February 13, 2018.

15   
16 EDMUND F. BRENNAN  
17 UNITED STATES MAGISTRATE JUDGE  
18  
19  
20  
21  
22  
23  
24  
25  
26

27 \_\_\_\_\_  
28 <sup>1</sup> By separate order, the court will direct the U.S. Marshal to serve defendants Venegas, Jr.  
and Woods using the new information provided by plaintiff.