1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 TIO DINERO SESSOMS, No. 2:16-cv-1943-WBS-EFB P 12 Plaintiff. 13 **ORDER** v. 14 JOHN PATRICK KELLER, et al., 15 Defendants. 16 17 Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 18 U.S.C. § 1983. He again requests that the court appoint counsel. As plaintiff was previously 19 informed, see ECF No. 23, district courts lack authority to require counsel to represent indigent 20 prisoners in section 1983 cases. Mallard v. United States Dist. Court, 490 U.S. 296, 298 (1989). 21 In exceptional circumstances, the court may request an attorney to voluntarily to represent such a 22 plaintiff. See 28 U.S.C. § 1915(e)(1); Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991); 23 Wood v. Housewright, 900 F.2d 1332, 1335-36 (9th Cir. 1990). When determining whether 24 "exceptional circumstances" exist, the court must consider the likelihood of success on the merits 25 as well as the ability of the plaintiff to articulate his claims pro se in light of the complexity of the 26 legal issues involved. Palmer v. Valdez, 560 F.3d 965, 970 (9th Cir. 2009). Having considered 27 those factors, the court still finds there are no exceptional circumstances in this case. 28 ///// 1

1	Accordingly, IT IS HEREI	BY ORDERED that plaintiff's request for appointment of
2	counsel (ECF No. 55) is denied.	
3	DATED: September 13, 2018.	Elmund F. Biema
4		EDMUND F. BRENNAN
5		UNITED STATES MAGISTRATE JUDGE
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