1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 PATRICK BLACKSHIRE, No. 2:16-cv-2537-MCE-EFB P 12 Plaintiff. 13 **ORDER** v. 14 SACRAMENTO COUNTY SHERIFF, 15 Defendant. 16 17 Plaintiff is a former county jail inmate proceeding without counsel in an action brought 18 under 42 U.S.C. § 1983. He requests that the court appoint counsel. District courts lack authority 19 to 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. 28 /////

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| 1 | Accordingly, IT IS HEREI | BY ORDERED that plaintiff's request for appointment of |
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| 2 | counsel (ECF No. 18) is denied. | |
| 3 | DATED: July 11, 2018. | Elmund F. Bilman |
| 4 | 2111221 000 11, 20101 | EDMUND F. BRENNAN |
| 5 | | UNITED STATES MAGISTRATE JUDGE |
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