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UNITED STATES DISTRICT COURT

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FOR THE EASTERN DISTRICT OF CALIFORNIA

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10 CLIFFORD BRENT THOMAS,

No. 2:16-cv-2784-JAM-EFB P

11 Plaintiff,

12 v.

ORDER

13 K. KAUL, et al.,

14 Defendants.

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16 Plaintiff is a state prisoner proceeding without counsel in an action brought under 42
17 U.S.C. § 1983. He requests an extension of time to file his second amended complaint pursuant
18 to the court's April 28, 2017 order. He also requests again that the court appoint counsel.
19 Plaintiff's request for an extension of time will be granted, but his request for the appointment of
20 counsel is denied.

21 As plaintiff was previously informed, district courts lack authority to require counsel to
22 represent indigent prisoners in section 1983 cases. *Mallard v. United States Dist. Court*, 490 U.S.
23 296, 298 (1989). In exceptional circumstances, the court may request an attorney to voluntarily
24 to represent such a plaintiff. *See* 28 U.S.C. § 1915(e)(1); *Terrell v. Brewer*, 935 F.2d 1015, 1017
25 (9th Cir. 1991); *Wood v. Housewright*, 900 F.2d 1332, 1335-36 (9th Cir. 1990). When
26 determining whether "exceptional circumstances" exist, the court must consider the likelihood of
27 success on the merits as well as the ability of the plaintiff to articulate his claims pro se in light of
28 the complexity of the legal issues involved. *Palmer v. Valdez*, 560 F.3d 965, 970 (9th Cir. 2009).


1 Having once again considered those factors, the court still finds there are no exceptional
2 circumstances in this case.

3 Accordingly, it is ORDERED that:

- 4 1. Plaintiff's request for an extension of time (ECF No. 17) is granted and he has 30
5 days from the date this order is served to file his amended complaint.
- 6 2. Plaintiff's request for the appointment of counsel (ECF No. 16) is denied.

7 So ordered.

8 Dated: May 24, 2017.

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10 EDMUND F. BRENNAN
11 UNITED STATES MAGISTRATE JUDGE
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