



1 research in order to answer an interrogatory, but reasonable efforts to respond must be  
2 undertaken. *L.H. v. Schwarzenegger*, No. S-06-2042 LKK GGH, 2007 U.S. Dist. LEXIS 73752,  
3 2007 WL 2781132, \*2 (E.D. Cal. Sep. 21, 2007). Further, the responding party has a duty to  
4 supplement any responses if the information sought is later obtained or the response provided  
5 needs correction. Fed. R. Civ. P. 26(e)(1)(A).

#### 6 Analysis

7 In his opposition, plaintiff acknowledges that he did not submit timely responses to  
8 defendant's discovery requests. ECF No. 47. He claims, however, that due to his level of  
9 education (described as a third or fourth grade reading level) he does not "know what to do and  
10 how to do it." *Id.* at 1. He states that other inmates have previously helped him file both  
11 grievances and court pleadings – though he does not explain why such assistance is no longer  
12 possible. *Id.* He requests that the court appoint counsel and deny defendant's motion. *Id.* at 2.

13 In his reply, defendant argues that plaintiff is an experienced litigant – having filed at least  
14 two federal complaints in the past (*Wright v. Swingle*, No. 2:11-cv-01792-DAD and *Wright v.*  
15 *Fields*, 2:15-cv-02291-KJM-EFB). Further, he correctly notes that responses to the propounded  
16 discovery do not require specialized legal knowledge or advanced reading comprehension. ECF  
17 No. 49 at 2.

18 The court finds that appointment of counsel for plaintiff is unwarranted at this time.  
19 District courts lack authority to require counsel to represent indigent prisoners in section 1983  
20 cases. *Mallard v. United States Dist. Court*, 490 U.S. 296, 298 (1989). In exceptional  
21 circumstances, the court may request an attorney to voluntarily to represent such a plaintiff. *See*  
22 28 U.S.C. § 1915(e)(1); *Terrell v. Brewer*, 935 F.2d 1015, 1017 (9th Cir. 1991); *Wood v.*  
23 *Housewright*, 900 F.2d 1332, 1335-36 (9th Cir. 1990). When determining whether "exceptional  
24 circumstances" exist, the court must consider the likelihood of success on the merits as well as the  
25 ability of the plaintiff to articulate his claims pro se in light of the complexity of the legal issues  
26 involved. *Palmer v. Valdez*, 560 F.3d 965, 970 (9th Cir. 2009). Having considered those factors,  
27 the court finds there are no exceptional circumstances in this case. Having reviewed the  
28 pleadings filed by plaintiff in this case, the court concludes that he remains capable of

1 representing himself. The court is not unsympathetic to the challenges faced by prisoners in  
2 litigating their rights, but it cannot, practically speaking, appoint counsel to all prisoners who  
3 request it – even if it would undoubtedly benefit their case. Moreover, the discovery at issue here  
4 is not especially complex and the background of the case is obviously known to the plaintiff.  
5 Thus, the court will grant defendant’s motion in part. It will compel plaintiff to respond to all the  
6 outstanding discovery within thirty days from the date of service of this order. If he fails to do so,  
7 sanctions will be recommended – up to and including dismissal of his claims against the  
8 defendant. The court declines, however, in light of plaintiff’s pro se status and lack of facility  
9 with the law, to deem all of defendant’s requests for admission admitted at this time.

10 Conclusion

11 Based on the foregoing, it is ORDERED that:

- 12 1. Defendant Sahota’s motion to compel is GRANTED in part as described *supra* (ECF  
13 No. 43);
- 14 2. Plaintiff shall answer all outstanding discovery propounded by Sahota within thirty  
15 days from the date of service of this order; and
- 16 3. Plaintiff’s motion for appointment of counsel (ECF No. 47) is DENIED.

17 DATED: August 4, 2020.

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19 EDMUND F. BRENNAN  
20 UNITED STATES MAGISTRATE JUDGE  
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