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7	UNITED STATES DISTRICT COURT		
8	FOR THE EASTERN DISTRICT OF CALIFORNIA		
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10	MARK A. JONES,	No. 2:17-cv-1422 KJM AC P	
11	Plaintiff,		
12	V.	<u>ORDER</u>	
13	SENOGOR, et al.,		
14	Defendants.		
15			
16	Plaintiff, a state prisoner proceeding pro se with a civil rights action, has requested		
17	appointment of counsel.		
18	The United States Supreme Court has ruled that district courts lack authority to require		
19	counsel to represent indigent prisoners in § 1983 cases. Mallard v. United States Dist. Court, 490		
20	U.S. 296, 298 (1989). In certain exceptional circumstances, the district court may request the		
21	voluntary assistance of counsel pursuant to 28 U.S.C. § 1915(e)(1). Terrell v. Brewer, 935 F.2d		
22	1015, 1017 (9th Cir. 1991); Wood v. Housewright, 900 F.2d 1332, 1335-36 (9th Cir. 1990).		
23	The test for exceptional circumstances requires the court to evaluate the plaintiff's		
24	likelihood of success on the merits and the ability of the plaintiff to articulate his claims pro se in		
25	light of the complexity of the legal issues involved. See Wilborn v. Escalderon, 789 F.2d 1328,		
26	1331 (9th Cir. 1986); Weygandt v. Look, 718 F.2d 952, 954 (9th Cir. 1983). Circumstances		
27	common to most prisoners, such as lack of legal education and limited law library access, do not		
28	establish exceptional circumstances that would warrant a request for voluntary assistance of		
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1	counsel. In the present case, the court does not find the required exceptional circumstances.	
2	Accordingly, IT IS HEREBY ORDERED that plaintiff's motion for the appointment of	
3	counsel (ECF No. 22) is denied.	
4	DATED: September 24, 2020	
5	allen Clane	
6	ALLISON CLAIRE UNITED STATES MAGISTRATE JUDGE	
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