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8	UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
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11	RONALD KNUTSON,	No. 2:17-cv-1725 AC P
12	Plaintiff,	
13	V.	ORDER
14	M. E. SPEARMAN, et al.,	
15	Defendants.	
16		
17	Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant to 42	
18	U.S.C. § 1983. Plaintiff has not, however, filed an in forma pauperis application or paid the	
19	required filing fee of \$350.00 plus the \$50.00 administrative fee. ¹ See 28 U.S.C. §§ 1914(a),	
20	1915(a). Plaintiff will be provided the opportunity either to submit the appropriate application in	
21	support of a request to proceed in forma pauperis or to submit the required fees totaling \$400.00.	
22	Plaintiff has requested the appointment of counsel. The United States Supreme Court has	
23	ruled that district courts lack authority to require counsel to represent indigent prisoners in § 1983	
24	cases. Mallard v. United States Dist. Court, 490 U.S. 296, 298 (1989). In certain exceptional	
25	circumstances, the district court may request the voluntary assistance of counsel pursuant to 28	
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27	¹ If leave to file in forma pauperis is granted, plaintiff will still be required to pay the filing fee but will be allowed to pay it in installments. Litigants proceeding in forma pauperis are not	
28	required to pay the \$50.00 administrative fee	
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1 U.S.C. § 1915(e)(1). Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991); Wood v. 2 Housewright, 900 F.2d 1332, 1335-36 (9th Cir. 1990). 3 "When determining whether 'exceptional circumstances' exist, a court must consider 'the 4 likelihood of success on the merits as well as the ability of the [plaintiff] to articulate his claims 5 pro se in light of the complexity of the legal issues involved." Palmer v. Valdez, 560 F.3d 965, 6 970 (9th Cir. 2009) (quoting Weygandt v. Look, 718 F.2d 952, 954 (9th Cir. 1983)). The burden 7 of demonstrating exceptional circumstances is on the plaintiff. Id. Circumstances common to 8 most prisoners, such as lack of legal education and limited law library access, do not establish 9 exceptional circumstances that would warrant a request for voluntary assistance of counsel. 10 Plaintiff has not established that he is indigent and therefore cannot show that he qualifies 11 for appointment of counsel. Furthermore, the court has yet to screen the complaint and is 12 therefore unable to determine plaintiff's likelihood of success at this stage. The motion for 13 counsel will therefore be dismissed without prejudice as premature. 14 In accordance with the above, IT IS HEREBY ORDERED that: 15 1. Plaintiff shall submit, within thirty days from the date of this order, an application in 16 support of his request to proceed in forma pauperis on the form provided by the Clerk of Court, or 17 the required fees in the amount of \$400.00; plaintiff's failure to comply with this order will result 18 in a recommendation that this action be dismissed. 19 2. The Clerk of the Court is directed to send plaintiff a new Application to Proceed In 20 Forma Pauperis By a Prisoner. 21 3. Plaintiff's motion for counsel (ECF No. 2) is dismissed without prejudice as premature. 22 SO ORDERED. 23 DATED: September 5, 2017 auson Clane 24 25 UNITED STATES MAGISTRATE JUDGE 26 27 28 2