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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ORVILLE M. MORRIS,

 Plaintiff,

 v.

CSP-SACRAMENTO, et al.,

 Defendants.

No. 2:17-cv-2286 AC P

ORDER

Plaintiff, a state prisoner proceeding pro se and in forma pauperis with a civil rights action, has requested appointment of counsel. ECF No. 22. In support of this motion, plaintiff states in part that he has “limited access to legal research,” that he is “unlearned in the matters of law,” that his case is complex, and that he has psychological damage that prevents him from moving forward with this case. See id. at 1.

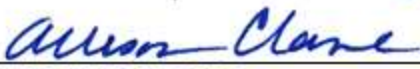
The United States Supreme Court has ruled that district courts lack authority to require counsel to represent indigent prisoners in § 1983 cases. Mallard v. United States Dist. Court, 490 U.S. 296, 298 (1989). In certain exceptional circumstances, the district court may request the voluntary assistance of counsel pursuant to 28 U.S.C. § 1915(e)(1). Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991); Wood v. Housewright, 900 F.2d 1332, 1335-36 (9th Cir. 1990).

The test for exceptional circumstances requires the court to evaluate the plaintiff’s likelihood of success on the merits and the ability of the plaintiff to articulate his claims pro se in

1 light of the complexity of the legal issues involved. See Wilborn v. Escalderon, 789 F.2d 1328,
2 1331 (9th Cir. 1986); Weygandt v. Look, 718 F.2d 952, 954 (9th Cir. 1983). Circumstances
3 common to most prisoners, such as lack of legal education and limited law library access, do not
4 establish exceptional circumstances that would warrant a request for voluntary assistance of
5 counsel. Moreover, given that plaintiff filed the complaint himself and that this is his second
6 request for appointment of counsel to date (see ECF Nos. 1, 13), plaintiff has demonstrated a
7 sufficient understanding of this matter and of what he needs to do to move these proceedings
8 forward. See ECF Nos. 1, 13. For these reasons, the court does not find the required exceptional
9 circumstances.

10 Accordingly, IT IS HEREBY ORDERED that plaintiff's motion for the appointment of
11 counsel, filed August 29, 2019 (ECF No. 22), is DENIED.

12 DATED: September 5, 2019

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14 ALLISON CLAIRE
15 UNITED STATES MAGISTRATE JUDGE
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