1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 KENDALL BURTON, No. 2:17-cv-2405-MCE-EFB P 12 Plaintiff, 13 **ORDER** v. 14 MOHYUDDIA, 15 Defendant. 16 17 Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 18 U.S.C. § 1983. He requests that the court appoint counsel. District courts lack authority to 19 require counsel to represent indigent prisoners in section 1983 cases. Mallard v. United States 20 Dist. Court, 490 U.S. 296, 298 (1989). In exceptional circumstances, the court may request an 21 attorney to voluntarily to represent such a plaintiff. See 28 U.S.C. § 1915(e)(1); Terrell v. 22 Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991); Wood v. Housewright, 900 F.2d 1332, 1335-36 (9th 23 Cir. 1990). When determining whether "exceptional circumstances" exist, the court must 24 consider the likelihood of success on the merits as well as the ability of the plaintiff to articulate 25 his claims pro se in light of the complexity of the legal issues involved. Palmer v. Valdez, 560 26 F.3d 965, 970 (9th Cir. 2009). Having considered those factors, the court finds there are no 27 exceptional circumstances in this case. 28 ///// 1

1	Accordingly, IT IS HERE	BY ORDERED that plaintiff's request for appointment of
2	counsel (ECF No. 20) is denied.	
3	DATED: January 30, 2019.	Elmund F. Biema
4	DiffED: Junuary 30, 2017.	EDMUND F. BRENNAN
5		UNITED STATES MAGISTRATE JUDGE
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