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7	UNITED STATES DISTRICT COURT	
8	FOR THE EASTERN DISTRICT OF CALIFORNIA	
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10	RONNIE G. YOUNG,	No. 2:17-cv-2596 TLN CKD P
11	Plaintiff,	
12	v.	<u>ORDER</u>
13	LEE, et al.,	
14	Defendants.	
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16	Plaintiff is a former county inmate now in state custody who is proceeding pro se in t	
17	civil rights action filed pursuant to 42 U.S.C. § 1983. Plaintiff requests that the court appoin	

Plaintiff is a former county inmate now in state custody who is proceeding pro se in this civil rights action filed pursuant to 42 U.S.C. § 1983. Plaintiff requests that the court appoint counsel. District courts lack authority to require counsel to represent indigent prisoners in section 1983 cases. Mallard v. United States Dist. Court, 490 U.S. 296, 298 (1989). In exceptional circumstances, the court may request an attorney to voluntarily represent such a plaintiff. See 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). When determining whether "exceptional circumstances" exist, the court must consider plaintiff's likelihood of success on the merits as well as the ability of the plaintiff to articulate his claims pro se in light of the complexity of the legal issues involved. Palmer v. Valdez, 560 F.3d 965, 970 (9th Cir. 2009) (district court did not abuse discretion in declining to appoint counsel). The burden of demonstrating exceptional circumstances is on the plaintiff. Id. Circumstances common to most prisoners, such as lack of legal education and limited law library access, do not establish exceptional circumstances that

warrant a request for voluntary assistance of counsel. Having considered the factors under Palmer, the court finds that plaintiff has failed to meet his burden of demonstrating exceptional circumstances warranting the appointment of counsel at this time. Accordingly, IT IS HEREBY ORDERED that plaintiff's request for the appointment of counsel (ECF No. 68) is denied without prejudice. Dated: December 4, 2020 UNITED STATES MAGISTRATE JUDGE 12/youn2596.31(5).docx