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7	UNITED STATES DISTRICT COURT	
8	FOR THE EASTERN DISTRICT OF CALIFORNIA	
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10	JOEL URIBE,	No. 2:18-cv-0689 JAM DB P
11	Plaintiff,	
12	v.	<u>ORDER</u>
13	E. SHINNETTE, et al.,	
14	Defendants.	
15		
16	Plaintiff, a state prisoner proceeding pro se with a civil rights action, has requested	
17	appointment of counsel. Plaintiff states that his mental health problems sometimes make him	
18	unable to complete his legal work.	
19	The United States Supreme Court has ruled that district courts lack authority to require	
20	counsel to represent indigent prisoners in § 1983 cases. Mallard v. United States Dist. Court, 490	
21	U.S. 296, 298 (1989). In certain exceptional circumstances, the district court may request the	
22	voluntary assistance of counsel pursuant to 28 U.S.C. § 1915(e)(1). Terrell v. Brewer, 935 F.2d	
23	1015, 1017 (9th Cir. 1991); Wood v. Housewright, 900 F.2d 1332, 1335-36 (9th Cir. 1990).	
24	The test for exceptional circumstances requires the court to evaluate the plaintiff's	
25	likelihood of success on the merits and the ability of the plaintiff to articulate his claims pro se in	
26	light of the complexity of the legal issues involved. See Wilborn v. Escalderon, 789 F.2d 1328,	
27	1331 (9th Cir. 1986); Weygandt v. Look, 718 F.2d 952, 954 (9th Cir. 1983). Circumstances	
28	common to most prisoners, such as lack of legal education and limited law library access, do not	

establish exceptional circumstances that would warrant a request for voluntary assistance of counsel. In the present case, the court does not find the required exceptional circumstances at this time. Accordingly, IT IS HEREBY ORDERED that plaintiff's motion for the appointment of counsel (ECF No. 20) is denied. Dated: October 11, 2018 UNITED STATES MAGISTRATE JUDGE DLB:9 DB/prisoner-civil rights/urib0689.31