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7 UNITED STATES DISTRICT COURT
8 FOR THE EASTERN DISTRICT OF CALIFORNIA
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10 ANTHONY DEWAYNE LEE TURNER,
11 Plaintiff,
12 v.
13 SACRAMENTO CITY FIRE DEP., et al.,
14 Defendants.

No. 2:19-cv-0416 DB P

ORDER

15
16 Plaintiff, a state prisoner proceeding pro se with a civil rights action, has requested
17 appointment of counsel on the ground that he is untrained in the law and the issues before the
18 Court are complex.

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

1 establish exceptional circumstances that would warrant a request for voluntary assistance of
2 counsel. In the present case, the court does not find the required exceptional circumstances.

3 Accordingly, IT IS HEREBY ORDERED that plaintiff's motion for the appointment of
4 counsel (ECF No. 23) is denied.

5 Dated: January 5, 2021

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8 
DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

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