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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WILLIAM SHAW,
Plaintiff,
v.
WOODS, et al.,
Defendants.

No. 2:20-cv-1980 DB P
ORDER

Plaintiff, a state prisoner proceeding pro se with a civil rights action, has requested appointment of counsel. Plaintiff argues that he cannot afford counsel, he is unschooled in the law, restrictions on law library use due to the COVID-19 pandemic make conducting legal research difficult, and his case is complex.

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 light of the complexity of the legal issues involved. See Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th Cir. 1986); Weygandt v. Look, 718 F.2d 952, 954 (9th Cir. 1983). Circumstances

1 common to most prisoners, such as lack of legal education and limited law library access, do not
2 establish exceptional circumstances that would warrant a request for voluntary assistance of
3 counsel. While the court recognizes the difficulties inmates face conducting research during the
4 COVID-19 pandemic, those difficulties are not unusual – they are faced by inmates in all
5 California prisons. In the present case, the court does not find the required exceptional
6 circumstances.

7 Accordingly, IT IS HEREBY ORDERED that plaintiff's motion for the appointment of
8 counsel (ECF No. 26) is denied.

9 Dated: January 7, 2021

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12 DEBORAH BARNES
13 UNITED STATES MAGISTRATE JUDGE
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17 DB/prisoner-civil rights/shaw1980.31
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