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1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 RAGHVENDRA SINGH, No. 2:23-cv-0024-DC-SCR 12 Plaintiff. 13 **ORDER** v. 14 THADD A. BLIZZARD, et al., 15 Defendants. 16 17 Plaintiff is a former county inmate proceeding without a lawyer in this civil rights action filed pursuant to 42 U.S.C. § 1983. Plaintiff requests that the court appoint counsel. ECF No. 15. 18 19 District courts lack authority under 28 U.S.C. §1915 to require counsel to represent indigent 20 prisoners in section 1983 cases. Mallard v. United States Dist. Court, 490 U.S. 296, 298 (1989). 21 In exceptional circumstances, the court may appoint an attorney to voluntarily represent such a 22 plaintiff. See 28 U.S.C. § 1915(e)(1); Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991); 23 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 24 25 merits as well as the ability of the plaintiff to articulate his claims pro se in light of the complexity 26 of the legal issues involved. Palmer v. Valdez, 560 F.3d 965, 970 (9th Cir. 2009) (district court 27 did not abuse discretion in declining to appoint counsel). The burden of demonstrating

exceptional circumstances is on the plaintiff. <u>Id.</u> 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 <u>Palmer</u>, 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 motion for the appointment of counsel (ECF No. 15) is denied without prejudice.

DATED: January 6, 2025

SEAN C. RIORDAN

UNITED STATES MAGISTRATE JUDGE