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7	UNITED STATES DISTRICT COURT	
8	FOR THE EASTERN DISTRICT OF CALIFORNIA	
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10	MICHAEL PATTON,	No. 2:24-cv-2982 SCR P
11	Plaintiff,	
12	v.	ORDER
13	DENBERG, et al.,	
14	Defendants.	
15		
16	Plaintiff is a state prisoner proceeding pro se in an action brought under 42 U.S.C. § 1983.	
17	Plaintiff asks the court to appoint counsel. District courts lack authority under 28 U.S.C. § 1915	
18	to require counsel to represent indigent prisoners in section 1983 cases. Mallard v. United States	
19	Dist. Court, 490 U.S. 296, 298 (1989). In exceptional circumstances, the court may request an	
20	attorney to voluntarily represent such a plaintiff. See 28 U.S.C. § 1915(e)(1); Terrell v. Brewer,	
21	935 F.2d 1015, 1017 (9th Cir. 1991); Wood v. Housewright, 900 F.2d 1332, 1335-36 (9th Cir.	
22	1990). When determining whether "exceptional circumstances" exist, the court must consider	
23	plaintiff's likelihood of success on the merits as well as the ability of the plaintiff to articulate his	
24	claims pro se in light of the complexity of the legal issues involved. <u>Palmer v. Valdez</u> , 560 F.3d	
25	965, 970 (9th Cir. 2009) (district court did not abuse discretion in declining to appoint counsel).	
26	The burden of demonstrating exceptional circumstances is on the plaintiff. Id. Circumstances	
27	common to most prisoners, such as lack of legal education and limited law library access, do not	
28	establish exceptional circumstances that warrant a request for voluntary assistance of counsel.	
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1	In the present case, the court has not yet screened plaintiff's complaint so has not
2	determined whether there is a likelihood plaintiff may succeed on the merits. Therefore,
3	plaintiff's motion for the appointment of counsel is premature.
4	Accordingly, IT IS HEREBY ORDERED that plaintiff's motion for the appointment of
5	counsel (ECF No. 3) is denied without prejudice.
6	Dated: November 22, 2024
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8	Ann Cinda
9	SEAN C. RIORDAN
10	UNITED STATES MAGISTRATE JUDGE
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