

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Kevin Hagan v. Raul Recarey, et al.

Hagan · No. 1:22-cv-00562-JLT-EPG (PC) · Decided October 2, 2025

OPINION

(PC)Hagan

PER CURIAM.

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7 UNITED STATES DISTRICT COURT

8 EASTERN DISTRICT OF CALIFORNIA

9 10 KEVIN HAGAN, Case No. 1:22-cv-00562-JLT-EPG (PC) 11 Plaintiff, ORDER DENYING
PLAINTIFF'S

RENEWED MOTION FOR APPOINTMENT

12 v. OF COUNSEL

13 RAUL RECARAY, et al., 14 Defendant. (ECF No. 94) 15 Plaintiff Kevin Hagan is a state
prisoner proceeding pro se in this civil rights action 16 filed pursuant to 42 U.S.C. § 1983. Before
the Court is Plaintiff's renewed motion for the 17 appointment of pro bono counsel. (ECF No. 94).
18 On December 19, 2024, Plaintiff filed his fourth motion for appointment of counsel. 19 (ECF
No. 70). The Court denied the renewed motion on January 2, 2025. (ECF No. 71). 20 Plaintiff's
current motion does not set forth any changed circumstances or reasons to reconsider 21 that
order. 22 As the Court previously informed Plaintiff, he does not have a constitutional right to 23
appointed counsel in this action, *Rand v. Rowland*, 113 F.3d 1520, 1525 (9th Cir. 1997), 24
withdrawn in part on other grounds, 154 F.3d 952 (9th Cir. 1998), and the Court cannot require 25
an attorney to represent Plaintiff pursuant to 28 U.S.C. § 1915(e)(1). *Mallard v. United States* 26
District Court for the Southern District of Iowa, 490 U.S. 296, 298 (1989). However, in certain 27
28 1 || exceptional circumstances the Court may request the voluntary assistance of counsel
pursuant 2 || to section 1915(e)(1). *Rand*, 113 F.3d at 1525. 3 Without a reasonable method of
securing and compensating counsel, the Court will seek 4 || volunteer counsel only in the most
serious and exceptional cases. A finding of exceptional 5 || circumstances requires an evaluation of
both "the likelihood of success on the merits [and] the 6 || ability of the petitioner to articulate his
claims pro se in light of the complexity of the legal 7 issues involved." *Wilborn v. Escalderon*, 789
F.2d 1328, 1331 (9th Cir. 1986). 8 Plaintiffs current motion argues that he is entitled to counsel,
yet Plaintiff has not 9 || alleged any change in circumstances that warrant reconsideration of the
prior four orders 10 || denying Plaintiff's motions for appointment of counsel. Again, the Court
notes, there is no right 11 || to counsel in this case brought pursuant to 42 U.S.C. § 1983. See

Rand, 113 F.3d at 1525 12 || (“There is no constitutional right to appointed counsel in a § 1983 action.”) (citation omitted). 13 For the foregoing reasons, IT IS ORDERED that Plaintiff’s renewed motion for 14 || appointment of counsel (ECF No. 94) is DENIED without prejudice. 15 16 IS SO ORDERED. ”| Dated: _ October 2, 2025 [Jee hey
18 UNITED STATES MAGISTRATE JUDGE
19 20 21 22 23 24 25 26 27 28