

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF  
CALIFORNIA

**Anthony A. Sanchez v. J. Nunez-Ruiz, et al.**

Sanchez v. Nunez-Ruiz · No. 1:21-cv-01770-ADA-EPG (PC) · Decided March 14, 2023

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OPINION

(PC) Sanchez v. Muro

PER CURIAM.

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UNITED STATES DISTRICT COURT

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EASTERN DISTRICT OF CALIFORNIA

10 11 ANTHONY A. SANCHEZ, Case No. 1:21-cv-01770-ADA-EPG (PC) 12 Plaintiff, ORDER  
DENYING PLAINTIFF’S MOTION

13 FOR APPOINTMENT OF PRO BONO

v. COUNSEL, WITHOUT PREJUDICE

14 J. NUNEZ-RUIZ, et al., (ECF No. 31) 15 Defendants. 16 17 18 Anthony A. Sanchez  
 (“Plaintiff”) is a state prisoner proceeding pro se and in forma 19 pauperis in this civil rights  
 action pursuant to 42 U.S.C. § 1983. 20 On March 7, 2023, Plaintiff filed a motion for  
 appointment of pro bono counsel. (ECF

21 No. 31). Plaintiff asks for appointment of counsel because he is unable to afford counsel;  
 because

22 his imprisonment and law library access will greatly limit his ability to litigate; because the  
 issues 23 involved in this case are complex and will require significant research and investigation;  
 because 24 Plaintiff has limited knowledge of the law and cannot obtain copies and forms to  
 submit certain 25 documents and facts to the court; because a trial in this case will likely involve  
 conflicting 26 testimony and counsel would better enable Plaintiff to present evidence and cross-  
 examine 27 witnesses; and because Plaintiff has made repeated efforts to obtain counsel. 28  
 Plaintiff does not have a constitutional right to appointed counsel in this action, *Rand v.* 1 |  
 *Rowland*, 113 F.3d 1520, 1525 (9th Cir. 1997), withdrawn in part on other grounds, 154 F.3d 952  
 2 | (9th Cir. 1998), and the Court cannot require an attorney to represent Plaintiff pursuant to 28 3 |  
 U.S.C. § 1915(e)(1). *Mallard v. United States District Court for the Southern District of* □□□□ 4  
 | 490 US. 296, 298 (1989). However, in certain exceptional circumstances the Court may request 5  
 | the voluntary assistance of counsel pursuant to section 1915(e)(1). *Rand*, 113 F.3d at 1525. 6  
 Without a reasonable method of securing and compensating counsel, the Court will seek 7 |  
 volunteer counsel only in the most serious and exceptional cases. In determining whether 8 ||

“exceptional circumstances exist, a district court must evaluate both the likelihood of success of 9 | the merits [and] the ability of the [plaintiff] to articulate his claims pro se in light of the 10 | complexity of the legal issues involved.” Id. (citation and internal quotation marks omitted). 11 The Court will not order appointment of pro bono counsel at this time. The Court has 12 || reviewed the record in this case, and at this time the Court is unable to make a determination that 13 | Plaintiff is likely to succeed on the merits of his claims. Moreover, while there may be some 14 || issues, it appears that Plaintiff can adequately articulate his claims. 15 Plaintiff is advised that he is not precluded from renewing his request for appointment of 16 | pro bono counsel at a later stage of the proceedings. 17 For the foregoing reasons, IT IS ORDERED that Plaintiff's motion for appointment of pro 18 | bono counsel is DENIED without prejudice. 19 IT IS SO ORDERED. 21 | Dated: \_ March 14, 2023 [Je ey — UNITED STATES MAGISTRATE JUDGE 23 24 25 26 27 28