

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

Dukes v. Chau

No. 1:25-cv-00486-SAB (PC) (E.D. Cal. May 2, 2025) · No. 1:25-cv-00486-SAB (PC) · Decided May 2, 2025

OPINION

(PC) Dukes v. Chau

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10

11 DARNELL MAURICE DUKES, No. 1:25-cv-00486-SAB (PC)

12 Plaintiff, ORDER DENYING PLAINTIFF’S MOTION

FOR APPOINTMENT OF COUNSEL,

13 v. WITHOUT PREJUDICE

14 JAMES CHAU, et al., (ECF No. 3) 15 Defendants. 16 17 18 Plaintiff is proceeding pro se and
in forma pauperis n this action filed pursuant to 42 19 U.S.C. § 1983. 20 Plaintiff filed the instant
action on April 28, 2025, along with a motion for appointment of 21 counsel. (ECF Nos. 1, 3.)
Plaintiff seeks appointment of counsel on the basis that he has made 22 unsuccessful efforts to
obtain counsel, is unable to afford counsel, has limited access to the law 23 library and legal
materials, has limited education, and his medical issues coupled with his status 24 as a prisoner
limit his ability to litigate this case. (ECF No. 3.) 25 Plaintiff does not have a constitutional right
to appointed counsel in this action, *Rand v. Rowland*, 113 F.3d 1520, 1525 (9th Cir. 1997), and
the court cannot require any attorney to 27 represent plaintiff pursuant to 28 U.S.C. § 1915(e)(1).
Mallard v. United States District Court for the Southern District of Iowa, 490 U.S. 296, 298
(1989). However, in certain exceptional 1 | circumstances the court may request the voluntary
assistance of counsel pursuant to section 2 | 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. In determining whether 5 | “exceptional
circumstances exist, the district court must evaluate both the likelihood of success 6 | on the merits
[and] the ability of the [plaintiff] to articulate his claims pro se in light of the 7 | complexity of the
legal issues involved.” *Id.* (internal quotation marks and citations omitted). 8 In the present case,
the Court does not find the required exceptional circumstances. A 9 | cursory review of Plaintiff’s
complaint demonstrates that he is capable of legibly articulating the 10 | facts and circumstances
relevant to his claims, which do not appear to be exceptionally legally 11 | complex, and the Court

has yet to screen his complaint and cannot determine whether he is likely 12 | to succeed on the merits of his claims. Accordingly, Plaintiff's the motion for appointment of 13 counsel is DENIED without prejudice to its renewal at a later stage of these proceedings. 14 15

16 IT IS SO ORDERED. DAM Le

17 | Dated: _May 2, 2025 _ Oe

STANLEY A. BOONE

18 United States Magistrate Judge 19 20 21 22 23 24 25 26 27 28