

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

Rafael Salas v. C. Pfeiffer, et al.

Salas v. Pfeiffer · No. 1:21-cv-00669-KES-EPG (PC) · Decided November 25, 2025

OPINION

Allison

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10 11 RAFAEL SALAS, Case No. 1:21-cv-00669-KES-EPG (PC) 12 Plaintiff,

ORDER DENYING PLAINTIFF’S MOTION

13 v. FOR APPOINTMENT OF PRO BONO

COUNSEL

14 C. PFEIFFER, et al., (ECF No. 107). 15 Defendants. 16 Plaintiff Rafael Salas is a state
prisoner proceeding pro se in this civil rights action filed 17 pursuant to 42 U.S.C. § 1983. This
case proceeds on Plaintiff’s Fourteenth Amendment due 18 process claims against Defendants
Thomas, Cortez, and Pfeiffer and Plaintiff’s First 19 Amendment free exercise claims against
Defendants Thomas, Cortez, and Pfeiffer. (ECF No. 20 98). Plaintiff now moves for the
appointment of counsel, generally arguing that he lacks the 21 legal training and resources
necessary to conduct a jury trial himself. (ECF No. 107). 22 Plaintiff does not have a
constitutional right to appointed counsel in this action, *Rand v. 23 Rowland*, 113 F.3d 1520, 1525
(9th Cir. 1997), withdrawn in part on other grounds, 154 F.3d 24 952 (9th Cir. 1998), and the
Court cannot require an attorney to represent Plaintiff pursuant to 25 28 U.S.C. § 1915(e)(1).
Mallard v. United States District Court for the Southern District of 26 Iowa, 490 U.S. 296, 298
(1989). However, in certain exceptional circumstances the Court may 27 28 enn nnn een ene nn
OE I NE OE ERED IED 1 || request the voluntary assistance of counsel pursuant to section
1915(e)(1). *Rand*, 113 F.3d at 2 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, a district court must evaluate both the
likelihood of success of 6 the merits [and] the ability of the [plaintiff] to articulate his claims pro
se in light of the complexity of the legal issues involved.” /d. (citation and internal quotation
marks omitted). The Court will not order appointment of counsel at this time. The Court has
reviewed ° the record in this case and is unable to conclude that Plaintiff is likely to succeed on
the merits 0 of his claims. Moreover, it appears that Plaintiff can adequately articulate his claims

pro se, as demonstrated by his recent ability to partially survive summary judgment. (ECF No. 98). B Accordingly, IT IS ORDERED that Plaintiffs motion to appoint counsel is denied 4 without prejudice. (ECF No. 107). 15 ll TT Is SO ORDERED. 16 17 || Dated: _November 25, 2025 [spe Fey

ig UNITED STATES MAGISTRATE JUDGE

19 20 21 22 23 24 25 26 28 ||! Plaintiff may renew his motion for counsel, but should do so only after the case proceeds, such as after the trial date is confirmed at the pretrial conference with the District Judge.