

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

Ransom v. Spinelli

No. 2:25-cv-0531 AC P, United States District Court for the Eastern District of California (April 2, 2025)

OPINION

(PC) Ransom v. Spinelli

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11 ROBERT L. RANSOM, No. 2:25-cv-0531 AC P

12 Plaintiff, 13 v. ORDER 14 K. SPINELLI, et al., 15 Defendants. 16 17 Plaintiff, a state prisoner
proceeding pro se, has filed a motion requesting that the court 18 appoint counsel. ECF No. 22.
District courts lack authority to require counsel to represent 19 indigent prisoners in section 1983
cases. *Mallard v. United States Dist. Court*, 490 U.S. 296, 298 20 (1989). In exceptional
circumstances, the court may request an attorney to voluntarily represent 21 such a plaintiff. See
28 U.S.C. § 1915(e)(1); *Terrell v. Brewer*, 935 F.2d 1015, 1017 (9th Cir. 22 1991); *Wood v.*
Housewright, 900 F.2d 1332, 1335-36 (9th Cir. 1990). When determining 23 whether “exceptional
circumstances” exist, the court must consider plaintiff’s likelihood of 24 success on the merits as
well as the ability of the plaintiff to articulate his claims pro se in light of 25 the complexity of the
legal issues involved. *Palmer v. Valdez*, 560 F.3d 965, 970 (9th Cir. 2009) 26 (district court did not
abuse discretion in declining to appoint counsel). The burden of 27 demonstrating exceptional
circumstances is on the plaintiff. *Id.* Circumstances common to most 28 // 1 | prisoners, such as
lack of legal education and limited law library access, do not establish 2 // exceptional
circumstances that warrant a request for voluntary assistance of counsel. 3 Plaintiff requests the
appointment of counsel based on his indigence, lack of legal 4 // knowledge, and limited reading
comprehension. ECF No. 22 at 2. He also asserts that the issues 5 // are complex and he requires
assistance in conducting discovery. *Id.* The issues identified by 6 // plaintiff are common to most
prisoners. Moreover, this case has been referred to early ADR and 7 // temporarily stayed. ECF
No. 23. As a result, there is currently nothing for plaintiff to do, and in 8 | the event this case is set
for a settlement conference, there is no indication that plaintiff would be 9 // unable to proceed at
the settlement conference without representation. Having considered the 10 // factors under
Palmer, the court finds that plaintiff has failed to meet his burden of demonstrating 11 //
exceptional circumstances warranting the appointment of counsel at this time. 12 Accordingly, IT

IS HEREBY ORDERED that plaintiffs motion for the appointment of 13 || counsel (ECF No. 22)
is DENIED without prejudice. 14 | DATED: April 1, 2025 15 ~ 16 ththienr—Chnp—e_
ALLISON CLAIRE
17 UNITED STATES MAGISTRATE JUDGE
18 19 20 21 22 23 24 25 26 27 28