



1 Moreover, excessive force cases do not lend themselves towards summary disposition.  
2 See Smith v. City of Hemet, 394 F.3d 689, 701 (9th Cir. 2005) (“Because the excessive  
3 force inquiry nearly always requires a jury to sift through disputed factual contentions, and  
4 to draw inferences therefrom, we have held on many occasions that summary judgment  
5 . . . in excessive force cases should be granted sparingly. This is because such cases  
6 almost always turn on a jury’s credibility determinations.”). Thus, Plaintiff should be able  
7 to ably represent his interests throughout this case.

8 The Court appreciates that it is difficult for Plaintiff to engage in discovery while  
9 imprisoned and that an attorney may be able to depose and otherwise elicit more evidence  
10 on Plaintiff’s behalf. However, Plaintiff’s filings thus far have shown that he is a capable  
11 advocate.

12 Considering all of the above, the Court does not find the exceptional circumstances  
13 required to warrant the appointment of counsel. See Rand, 113 F.3d at 1525.  
14 Accordingly, Plaintiff’s Motion for Appointment of Counsel is DENIED.

15  
16 IT IS SO ORDERED.

17 Dated: March 12, 2011

/s/ Michael J. Seng  
UNITED STATES MAGISTRATE JUDGE