

1 on the merits and the ability of the petitioner to articulate his or her claim *pro se* in light of
2 the complexity of the legal issues involved.” *Wilborn*, 789 F.2d at 1331 (quoting *Weygant*
3 *v. Look*, 718 F.2d 952, 954 (9th Cir. 1983)); *see Richards v. Harper*, 864 F.2d 85, 87 (9th
4 Cir. 1988). “Neither of these factors is dispositive and both must be viewed together before
5 reaching a decision on request of counsel” under section 1915(e)(1). *Wilborn*, 789 F.2d at
6 1331.

7 Having considered both factors, the Court finds that Plaintiff has not demonstrated a
8 likelihood of success on the merits or that any difficulty he is experiencing in attempting to
9 litigate his case is due to the complexity of the issues involved. While Plaintiff has pointed
10 to financial difficulties that he is experiencing, such difficulties do not make his case
11 exceptional. Accordingly, at the present time, this case does not present “exceptional
12 circumstances” requiring the appointment of counsel. Accordingly,

13 **IT IS HEREBY ORDERED** granting the Motion for Clarification (Dkt. # 44).

14 **IT IS FURTHER ORDERED** denying the Motion to Appoint Counsel (Dkt. # 45).

15 DATED this 24th day of May, 2010.

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19 G. Murray Snow
20 United States District Judge
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