

1 Plaintiff is aware, from his prior motions, that he does not have a constitutional right to
2 appointed counsel in this action, Rand v. Rowland, 113 F.3d 1520, 1525 (9th Cir. 1997), and the
3 court cannot require an attorney to represent plaintiff pursuant to 28 U.S.C. § 1915(e)(1). Mallard
4 v. United States District Court for the Southern District of Iowa, 490 U.S. 296, 298, 109 S.Ct.
5 1814, 1816 (1989). However, in certain exceptional circumstances the court may request the
6 voluntary assistance of counsel pursuant to section 1915(e)(1). Rand, 113 F.3d at 1525.

7 Without a reasonable method of securing and compensating counsel, the court will seek
8 volunteer counsel only in the most serious and exceptional cases. In determining whether
9 “exceptional circumstances exist, the district court must evaluate both the likelihood of success of
10 the merits [and] the ability of the [plaintiff] to articulate his claims *pro se* in light of the
11 complexity of the legal issues involved.” Id. (internal quotation marks and citations omitted).

12 In the present case, the Court does not find the required exceptional circumstances. Even
13 if it is assumed that Plaintiff is not well versed in the law and that he has made serious allegations
14 which, if proved, would entitle him to relief, his case is not exceptional. This Court is faced with
15 similar cases almost daily. Furthermore, the only new event that has occurred since the Court’s
16 March 14, 2012 order denying Plaintiff’s last motion for counsel is the service of the operative
17 Complaint on Defendants. (Doc. 49). At this early stage in the proceedings, the Court is still
18 unable to make a determination that Plaintiff is likely to succeed on the merits. Based on a
19 review of the record in this case, especially the documents Plaintiff filed in support of this
20 motion, the Court does not find that Plaintiff cannot adequately articulate his claims. Id.

21 For the foregoing reasons, plaintiff’s motion for the appointment of counsel is **DENIED**,
22 without prejudice.

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25 IT IS SO ORDERED.

26 Dated: May 4, 2012

/s/ Jennifer L. Thurston
27 UNITED STATES MAGISTRATE JUDGE
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