

1 In the present case, the court does not find the required exceptional circumstances. Even
2 if it is assumed that plaintiff is not well versed in the law and that he has made serious allegations
3 which, if proved, would entitle him to relief, his case is not exceptional. This court is faced with
4 similar cases almost daily. Further, at this early stage in the proceedings, the court cannot make a
5 determination that plaintiff is likely to succeed on the merits, and based on a review of the record
6 in this case, the court does not find that plaintiff cannot adequately articulate his claims. Id.

7 The Ninth Circuit recently remanded this action to this Court with instructions to vacate
8 the judgment. Plaintiff contends that he had counsel on appeal and requests that the Court
9 appoint the same attorney. However, the issue on appeal was a procedural in nature and did not
10 involve the merits of plaintiff's action. If plaintiff's counsel on appeal wishes to continue
11 representation, an order from this Court is not necessary.

12 For the foregoing reasons, plaintiff's motion for the appointment of counsel is HEREBY
13 DENIED, without prejudice.

14 IT IS SO ORDERED.

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16 Dated: July 7, 2014

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE