



1 merits [and] the ability of the [plaintiff] to articulate his claims pro se in light of the complexity of the  
2 legal issues involved.” Id. (internal quotation marks and citations omitted).

3 In the present case, the Court finds that neither the interests of justice nor exceptional  
4 circumstances warrant appointment of counsel at this time. LaMere v. Risley, 827 F.2d 622, 626 (9th  
5 Cir. 1987); Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991). While counsel may be able to  
6 cross-examine witnesses at trial, so long as a pro se litigant, like Plaintiff in this case, is able to  
7 “articulate his claims against the relative complexity of the matter,” the “exceptional circumstances”  
8 which might require the appointment of counsel do not exist. Rand, 113 F.3d at 1525 (finding no  
9 abuse of discretion under 28 U.S.C. § 1915(e) when district court denied appointment of counsel  
10 despite fact that pro se prisoner “may well have fared better-particular in the realms of discovery and  
11 the security of expert testimony.”) Indeed, any pro se litigant “would be better served with the  
12 assistance of counsel.” Id.

13 In the present case, the Court finds that neither the interests of justice nor exceptional  
14 circumstances warrant appointment of counsel at this time. LaMere v. Risley, 827 F.2d 622, 626 (9th  
15 Cir. 1987); Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991). Plaintiff is proceeding against  
16 Defendants Ramirez and Flores for excessive force and retaliation and against Defendant Farnsworth  
17 for failure to protect, and Plaintiff has demonstrated an ability to articulate the factual and legal basis  
18 for his arguments and has effectively litigated this case to date. While a pro se litigant may be better  
19 served with the assistance of counsel, so long as a pro se litigant, such as Plaintiff in this instance, is  
20 able to “articulate his claims against the relative complexity of the matter,” the “exceptional  
21 circumstances” which might require the appointment of counsel do not exist. Rand v. Rowland, 113  
22 F.3d at 1525 (finding no abuse of discretion under 28 U.S.C. § 1915(e) when district court denied  
23 appointment of counsel despite fact that pro se prisoner “may well have fared better-particularly in the  
24 realm of discovery and the securing of expert testimony.”) In addition, circumstances common to  
25 most prisoners, such as lack of legal education and limited law library access, do not establish  
26 exceptional circumstances that would warrant a request for voluntary assistance of counsel. Based on  
27 the information presently before the Court, it is apparent that Plaintiff has the competence necessary to  
28 pursue this case to trial. Thus, the Court finds that Plaintiff’s arguments do not present exceptional

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circumstances warranting the appointment of counsel at this time. Accordingly, Plaintiff second motion for appointment of counsel is DENIED, without prejudice.

IT IS SO ORDERED.

Dated: July 11, 2016

  
UNITED STATES MAGISTRATE JUDGE