



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 Chavez, Lindsey, Emard and Ramirez Flores for excessive force and retaliation and  
17 against Defendant Farnsworth for failure to protect, and Plaintiff has demonstrated an ability to  
18 articulate the factual and legal basis for his arguments and has effectively litigated this case to date.  
19 While a pro se litigant may be better served with the assistance of counsel, so long as a pro se litigant,  
20 such as Plaintiff in this instance, is able to “articulate his claims against the relative complexity of the  
21 matter,” the “exceptional circumstances” which might require the appointment of counsel do not exist.  
22 Rand v. Rowland, 113 F.3d at 1525 (finding no abuse of discretion under 28 U.S.C. § 1915(e) when  
23 district court denied appointment of counsel despite fact that pro se prisoner “may well have fared  
24 better-particularly in the realm of discovery and the securing of expert testimony.”) In addition,  
25 circumstances common to most prisoners, such as lack of legal education and limited law library  
26 access, do not establish exceptional circumstances that would warrant a request for voluntary  
27 assistance of counsel. Based on the information presently before the Court, it is apparent that Plaintiff  
28 has the competence necessary to pursue this case to trial. Thus, the Court finds that Plaintiff’s

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arguments do not present exceptional circumstances warranting the appointment of counsel at this time. Accordingly, Plaintiff third motion for appointment of counsel is DENIED, without prejudice.

IT IS SO ORDERED.

Dated: September 16, 2016

  
UNITED STATES MAGISTRATE JUDGE