

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

6 In the present case, the Court has considered Plaintiff’s moving papers, but does not find the
7 required exceptional circumstances. LaMere v. Risley, 827 F.2d 622, 626 (9th Cir. 1987); Terrell v.
8 Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991). Plaintiff is proceeding on a claim of excessive force and
9 the legal issues present in this action are not complex, and Plaintiff has thoroughly set forth his
10 arguments in his various filings in this action. Plaintiff’s claim that he is unable to afford legal and
11 counsel and he has been granted in forma pauper status, does not alone entitle him to appointment
12 counsel. In addition, Plaintiff’s claim of limited access to law library does not warrant exceptional
13 circumstances.

14 While a pro se litigant may be better served with the assistance of counsel, so long as a pro se
15 litigant, such as Plaintiff in this instance, is able to “articulate his claims against the relative
16 complexity of the matter,” the “exceptional circumstances” which might require the appointment of
17 counsel do not exist. Rand v. Rowland, 113 F.3d at 1525 (finding no abuse of discretion under 28
18 U.S.C. § 1915(e) when district court denied appointment of counsel despite fact that pro se prisoner
19 “may well have fared better-particularly in the realm of discovery and the securing of expert
20 testimony.”) Accordingly, Plaintiff motion for appointment of counsel is DENIED.

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22 IT IS SO ORDERED.

23 Dated: March 17, 2015


24 UNITED STATES MAGISTRATE JUDGE