

1 **2. Motion for Appointment of Counsel**

2 Plaintiff does not have a constitutional right to the appointment of counsel in this action.
3 Palmer v. Valdez, 560 F.3d 965, 970 (9th Cir. 2009); Storseth v. Spellman, 654 F.2d 1349, 1353
4 (9th Cir. 1981). The Court may request the voluntary assistance of counsel pursuant to 28 U.S.C.
5 § 1915(e)(1), but it will do so only if exceptional circumstances exist. Palmer, 560 F.3d at 970;
6 Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th Cir. 1986). In making this determination, the
7 Court must evaluate the likelihood of success on the merits and the ability of Plaintiff to articulate
8 his claims pro se in light of the complexity of the legal issues involved. Palmer at 970 (citation
9 and quotation marks omitted); Wilborn, 789 F.2d at 1331. Neither consideration is dispositive
10 and they must be viewed together. Palmer 560 F.3d at 970 (citation and quotation marks
11 omitted); Wilborn, 789 F.2d at 1331.

12 In the present case, the Court does not find the required exceptional circumstances exist at
13 this time. Even if it is assumed that Plaintiff is not well versed in the law and that he has made
14 serious allegations which, if proved, would entitle him to relief, his case is not exceptional. The
15 Court is faced with similar cases almost daily. Accordingly,

16 IT IS HEREBY ORDERED that:

- 17 1. Plaintiff's motion to file an amended complaint is hereby DENIED as
18 unnecessary; and
19 2. Plaintiff's motion for the appointment of counsel is hereby DENIED.

20 IT IS SO ORDERED.

21 Dated: May 23, 2013

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23 UNITED STATES MAGISTRATE JUDGE