

1 section 1915(e)(1). Rand, 113 F.3d at 1525.

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

7 Here, Plaintiff asserts that the appointment of counsel is necessary because he cannot
8 afford a lawyer, he cannot speak English, he relies on inmate assistance, his imprisonment limits
9 his ability to litigate this case, the issues are complex, trial will involve conflicting testimony and
10 a lawyer would engage in serious settlement negotiations. Plaintiff alleges that his case has merit
11 because multiple doctors agreed that he required surgery, but only Defendants refused the clear
12 medical diagnosis.

13 The Court does not find the required exceptional circumstances. Even if it is assumed
14 that Plaintiff is not well versed in the law and that he has made serious allegations which, if
15 proved, would entitle him to relief, his case is not exceptional. This Court is faced with similar
16 cases involving allegations of deliberate indifference to serious medical needs almost daily from
17 indigent prisoners relying on the assistance of other inmates. At this early stage in the
18 proceedings, the Court cannot make a determination that Plaintiff is likely to succeed on the
19 merits. Id. While Plaintiff asserts that he cannot speak English, he has not provided supporting
20 evidence for the Court’s consideration. Based on the record, there is no indication that Plaintiff
21 has been unable to adequately articulate his claims. However, Plaintiff will not be precluded
22 from renewing his motion and providing supporting evidence.

23 For the foregoing reasons, Plaintiff’s motion for the appointment of counsel is HEREBY
24 DENIED without prejudice.
25 IT IS SO ORDERED.

26 Dated: April 15, 2014

/s/ Barbara A. McAuliffe
27 UNITED STATES MAGISTRATE JUDGE
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