

1 “exceptional circumstances exist, the district court must evaluate both the likelihood of success on the
2 merits [and] the ability of the [plaintiff] to articulate his claims pro se in light of the complexity of the
3 legal issues involved.” Id. (internal quotation marks and citations omitted).

4 In the present case, the Court does not find the required exceptional circumstances.
5 Circumstances common to most prisoners, such as lack of legal education and limited law library
6 access, do not establish exceptional circumstances that would warrant a request for voluntary
7 assistance of counsel. Even if it assumed that Plaintiff is not well versed in the law and that he has
8 made serious allegations which, if proved, would entitle him to relief, his case is not exceptional.
9 Plaintiff alleges an Eighth Amendment claim against several defendants for denying him appropriate
10 medical attention. The legal issues present in this action are not complex, and Plaintiff has thoroughly
11 set forth his allegations in the complaint. At this time, the Court cannot make a determination that
12 Plaintiff is likely to succeed on the merits, and based on a review of the record in this case, the Court
13 does not find that Plaintiff cannot adequately articulate his claims. Id.

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.”)

21 For the foregoing reasons, Plaintiff’s fifth motion for the appointment of counsel is HEREBY
22 DENIED, without prejudice.

23
24
25 IT IS SO ORDERED.

26 Dated: June 17, 2019



UNITED STATES MAGISTRATE JUDGE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28