

1 *the Southern District of Iowa*, 490 U.S. 296, 298 (1989). However, in certain exceptional
2 circumstances the Court may request the voluntary assistance of counsel pursuant to section
3 1915(e)(1). *Rand*, 113 F.3d at 1525.

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

9 The Court will not order appointment of pro bono counsel at this time. The Court has
10 reviewed the record in this case, and at this time, the Court cannot make a determination that
11 Plaintiff is likely to succeed on the merits of his claims. Moreover, plaintiff has been able to
12 adequately articulate his claims throughout the six years this action has been pending.

13 Plaintiff is advised that he is not precluded from renewing his motion for appointment of
14 counsel at a later stage of the proceedings.

15 Alternatively, Plaintiff may refile this motion immediately, but must include additional
16 facts and evidence related to his mental health issues. While Plaintiff claims to have mental
17 health issues that prevent him from prosecuting this case, he has provided no evidence of these
18 allegations. He has also not explained how his mental health issues affect his ability to prosecute
19 this case.

20 For the foregoing reasons, IT IS ORDERED that Plaintiff’s motion for appointment of
21 counsel is DENIED without prejudice.

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23 IT IS SO ORDERED.

24 Dated: April 10, 2018

25 /s/ Eric P. Gray
26 UNITED STATES MAGISTRATE JUDGE
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