

1 circumstances exist, the district court must evaluate both the likelihood of success of the merits [and]
2 the ability of the [plaintiff] to articulate his claims *pro se* in light of the complexity of the legal issues
3 involved.” *Rand*, 113 F.3d at 1525 (internal quotation marks and citations omitted).

4 Here, the Court does not find the required exceptional circumstances. Even if it is assumed
5 Plaintiff is not well-versed in the law and has made serious allegations which, if proved, would entitle
6 him to relief, his case is not exceptional. To the contrary, this Court is faced with similar cases almost
7 daily. Further, at this early state in the proceeding, the Court is unable to make a determination that he
8 is likely to succeed on the merits. Although Plaintiff alleges he has difficulty with reading and
9 writing, he has shown he is able to respond to the Court’s orders, meet deadlines set by the Court, and
10 articulate facts to support his claims. There is no evidence Plaintiff will be unable to continue to do so
11 in preparation for and at trial.

12 Accordingly, **IT IS HEREBY ORDERED**: Plaintiff’s motion for the appointment of counsel
13 (Doc. 19) is **DENIED WITHOUT PREJUDICE**.

14
15 IT IS SO ORDERED.

16 Dated: March 5, 2013

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE