



1 merits [and] the ability of the [plaintiff] to articulate his claims pro se in light of the complexity of the  
2 legal issues involved.” Id. (internal quotation marks and citations omitted).

3 In the present case, the Court finds that neither the interests of justice nor exceptional  
4 circumstances warrant appointment of counsel at this time. LaMere v. Risley, 827 F.2d 622, 626 (9th  
5 Cir. 1987); Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991). Plaintiff is proceeding on a claim  
6 of excessive force and the legal issues present in this action are not complex, and Plaintiff has  
7 thoroughly set forth his allegations in the complaint.

8 While a pro se litigant may be better served with the assistance of counsel, so long as a pro se  
9 litigant, such as Plaintiff in this instance, is able to “articulate his claims against the relative  
10 complexity of the matter,” the “exceptional circumstances” which might require the appointment of  
11 counsel do not exist. Rand v. Rowland, 113 F.3d at 1525 (finding no abuse of discretion under 28  
12 U.S.C. § 1915(e) when district court denied appointment of counsel despite fact that pro se prisoner  
13 “may well have fared better-particularly in the realm of discovery and the securing of expert  
14 testimony.”) Plaintiff’s lack of education and lack of resources do not demonstrate exceptional  
15 circumstances. This Court is faced with cases brought by prisoners in similar circumstances almost  
16 daily. In addition, Plaintiff’s claim that this case will likely proceed to trial and counsel would helpful  
17 in litigating the case does not present an exceptional circumstance warranting appointment of counsel.

18 For the foregoing reasons, Plaintiff’s third motion for the appointment of counsel is HEREBY  
19 DENIED, without prejudice.

20  
21 IT IS SO ORDERED.

22 Dated: July 7, 2016



UNITED STATES MAGISTRATE JUDGE