

1 Rowland, 113 F.3d 1520, 1525 (9th Cir. 1997), and the Court cannot require an attorney to
2 represent Plaintiff pursuant to 28 U.S.C. § 1915(e)(1). Mallard v. United States District Court for
3 the Southern District of Iowa, 490 U.S. 296, 298, 109 S.Ct. 1814, 1816 (1989). However, in
4 certain exceptional circumstances the Court may request the voluntary assistance of counsel
5 pursuant to section 1915(e)(1). Rand, 113 F.3d at 1525. Without a reasonable method of
6 securing and compensating counsel, the Court will seek volunteer counsel only in the most
7 serious and exceptional cases. In determining whether “exceptional circumstances exist, the
8 district court must evaluate both the likelihood of success on the merits [and] the ability of the
9 [plaintiff] to articulate his claims pro se in light of the complexity of the legal issues involved.”
10 Id. (internal quotation marks and citations omitted).

11 In the present case, the Court does not find the required exceptional circumstances.
12 Plaintiff has not identified any circumstances warranting appointment of counsel. While Plaintiff
13 mentions his participation in the CDCR Mental Health Program, he has not provided any
14 evidence demonstrating that this participation hampers his ability to prosecute the action.
15 Moreover, even if it is assumed that Plaintiff is not well versed in the law and that he has made
16 serious allegations which, if proved, would entitle him to relief, his case is not exceptional. This
17 Court is faced with similar cases almost daily from indigent prisoners proceeding without
18 representation. Further, at this early stage in the proceedings, the Court cannot make a
19 determination that Plaintiff is likely to succeed on the merits. Although Plaintiff has asserted
20 cognizable claims, this is not equivalent to a determination that he is likely to succeed on the
21 merits. Additionally, based on a review of the record in this case, the Court does not find that
22 Plaintiff cannot adequately articulate his claims.

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

26 Dated: March 8, 2017

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