



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

6 In the present case, the Court does not find the required exceptional circumstances. Although  
7 Plaintiff contends he is disabled, Plaintiff has not provided substantial evidence to demonstrate that he  
8 is incapable of understanding and responding to court orders. Indeed, Plaintiff filed a third amended  
9 complaint in response to the Court’s July 31, 2014, order dismissing the first amended complaint, with  
10 leave to amend.

11 Moreover, even if it assumed that plaintiff is not well versed in the law and that he has made  
12 serious allegations which, if proved, would entitle him to relief, his case is not exceptional. Plaintiff  
13 alleges Eighth Amendment claims for excessive force and deliberate indifference to a serious medical  
14 need. The legal issues present in this action are not complex, and Plaintiff has thoroughly set forth his  
15 allegations in the complaint. However, at this early stage in the proceedings, the court cannot make a  
16 determination that Plaintiff is likely to succeed on the merits, and based on a review of the record in  
17 this case, the court does not find that plaintiff cannot adequately articulate his claims. Id.

18 For the foregoing reasons, Plaintiff’s motion for the appointment of counsel is HEREBY  
19 DENIED.

20  
21 IT IS SO ORDERED.

22 Dated: September 15, 2014



UNITED STATES MAGISTRATE JUDGE