

1 U.S.C. § 1915(e)(1). Mallard v. United States District Court for the Southern District of Iowa,
2 490 U.S. 296, 298, 109 S. Ct. 1814, 1816 (1989). However, in certain exceptional circumstances,
3 the Court may request the voluntary assistance of counsel pursuant to section 1915(e)(1). Rand,
4 113 F.3d at 1525. Without a reasonable method of securing and compensating counsel, the Court
5 will seek volunteer counsel only in the most serious and exceptional cases. In determining
6 whether “exceptional circumstances exist, the district court must evaluate both the likelihood of
7 success on the merits [and] the ability of the [plaintiff] to articulate his claims pro se in light of
8 the complexity of the legal issues involved.” Id. (internal quotation marks and citations omitted).

9 In this case, the Court does not find the required exceptional circumstances warranting
10 appointment of counsel. Circumstances common to most prisoners, such as lack of legal
11 education and limited law library access, do not establish exceptional circumstances that would
12 warrant a request for voluntary assistance of counsel. Further, at this early stage in the litigation,
13 the Court cannot make a determination that Plaintiff is likely to succeed on the merits.

14 Plaintiff also discusses that he has not had full access to his legal materials. He has
15 submitted materials showing that he has received some legal advice on filing internal complaints
16 related to these issues. Plaintiff has also filed a request for an extension of time due to lack of
17 access to his legal materials, which the Court will address separately.

18 Accordingly, Plaintiff’s motion for appointed counsel is HEREBY DENIED, without
19 prejudice.

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21 IT IS SO ORDERED.

22 Dated: September 19, 2017

/s/ Barbara A. McAuliffe
23 UNITED STATES MAGISTRATE JUDGE