

1 Rowland, 113 F.3d 1520, 1525 (9th Cir. 1997), and the court cannot require any attorney to represent
2 plaintiff pursuant to 28 U.S.C. § 1915(e)(1). Mallard v. United States District Court for the Southern
3 District of Iowa, 490 U.S. 296, 298 (1989). However, in certain exceptional circumstances the court
4 may request the voluntary assistance of counsel pursuant to section 1915(e)(1). Rand, 113 F.3d at
5 1525.

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

11 In the present case, the Court does not find the required exceptional circumstances. Although
12 Plaintiff contends he is now totally blind, this fact alone does not demonstrate exceptional
13 circumstances. At this stage of the proceedings, the Court cannot make a determination if Plaintiff is
14 likely to succeed on the merits. Plaintiff’s initial complaint was dismissed with leave to amend for
15 failure to state a cognizable claim for relief. Plaintiff failed to amend the complaint and an order to
16 show cause was issued and is still pending. Thus, there is no operative complaint on file that states a
17 cognizable claim. Moreover, there is no basis to find that Plaintiff cannot adequately articulate his claim
18 and respond to court orders.

19 For the foregoing reasons, Plaintiff’s motion for the appointment of counsel is HEREBY
20 DENIED, without prejudice. Within **thirty (30)** days from the date of service of this order, Plaintiff
21 shall file a response to the Court’s order to show cause, and the failure to comply with this order will
22 result in dismissal of the action.

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24 IT IS SO ORDERED.

25 Dated: February 6, 2015



26 UNITED STATES MAGISTRATE JUDGE

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