

1 Plaintiff does not have a constitutional right to appointed counsel in this action, *Rand v.*
2 *Rowland*, 113 F.3d 1520, 1525 (9th Cir. 1997), and the Court cannot require an attorney to
3 represent Plaintiff under 28 U.S.C. § 1915(e)(1). *Mallard v. United States District Court for the*
4 *Southern District of Iowa*, 490 U.S. 296, 298 (1989). However, in certain exceptional
5 circumstances, the Court may request the voluntary assistance of counsel under section
6 1915(e)(1). *Rand*, 113 F.3d at 1525.

7 Without a reasonable method of securing and compensating counsel, the Court will seek
8 volunteer counsel only in the most serious and exceptional cases. In determining whether
9 “exceptional circumstances exist, the district court must evaluate both the likelihood of success on
10 the merits [and] the ability of the [plaintiff] to articulate his claims pro se in light of the
11 complexity of the legal issues involved.” *Rand*, 113 F.3d at 1525. (internal quotation marks and
12 citations omitted).

13 In the present case, the Court does not find the required exceptional circumstances.
14 Plaintiff’s indigence, limited knowledge of the law, and limitations imposed by incarceration,
15 plus the complexity of the case, do not make his case exceptional. This Court is faced with similar
16 cases almost daily. Furthermore, at this early stage in the proceedings, the Court cannot determine
17 that Plaintiff is likely to succeed on the merits, and based on a review of the record in this case,
18 the Court does not find that Plaintiff cannot adequately articulate his claims.¹ *Id.* However, if
19 Plaintiff requires additional time to comply with relevant deadlines and court orders due to his
20 circumstances, he may seek appropriate extensions of time.

21 Accordingly, Plaintiff’s motion for the appointment of counsel is HEREBY DENIED,
22 without prejudice.
23 IT IS SO ORDERED.

24 Dated: January 25, 2017

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

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28 ¹ Plaintiff successfully appealed the Court’s initial dismissal of this action, (ECF No. 27), which the Court finds to be persuasive evidence that Plaintiff can adequately articulate his claims.