

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 Plaintiff is proceeding on a claim of deliberate indifference to his medical needs and the legal
7 issues present in this action are not complex, and Plaintiff has thoroughly set forth his allegations in
8 the complaint and filed several motions in the action. Plaintiff’s has failed to demonstrate exceptional
9 circumstances to warrant the appointment of voluntary counsel in this action. While a pro se litigant
10 may be better served with the assistance of counsel, so long as a pro se litigant, such as Plaintiff in this
11 instance, is able to “articulate his claims against the relative complexity of the matter,” the
12 “exceptional circumstances” which might require the appointment of counsel do not exist. Rand v.
13 Rowland, 113 F.3d at 1525 (finding no abuse of discretion under 28 U.S.C. § 1915(e) when district
14 court denied appointment of counsel despite fact that pro se prisoner “may well have fared better-
15 particularly in the realm of discovery and the securing of expert testimony.”) Circumstances common
16 to most prisoners, such as lack of funds, legal education and limited law library access and other
17 resources, do not establish exceptional circumstances that would warrant a request for voluntary
18 assistance of counsel. Accordingly, Plaintiff’s third motion for appointment of counsel is DENIED.

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20 IT IS SO ORDERED.

21 Dated: December 12, 2017


22 UNITED STATES MAGISTRATE JUDGE