



1 “exceptional circumstances exist, the district court must evaluate both the likelihood of success on the  
2 merits [and] the ability of the [plaintiff] to articulate his claims pro se in light of the complexity of the  
3 legal issues involved.” Id. (internal quotation marks and citations omitted).

4 In the present motion, Plaintiff requests that the Court appoint Justin D. Harris, Esq. as counsel  
5 in this action because he has agreed to represent Plaintiff at trial. As with Plaintiff’s previous motions,  
6 the Court does not find exceptional circumstances to warrant the appointment of counsel in this action.  
7 While a pro se litigant may be better served with the assistance of counsel, so long as a pro se litigant,  
8 such as Plaintiff in this instance, is able to “articulate his claims against the relative complexity of the  
9 matter,” the “exceptional circumstances” which might require the appointment of counsel do not exist.  
10 Rand v. Rowland, 113 F.3d at 1525 (finding no abuse of discretion under 28 U.S.C. § 1915(e) when  
11 district court denied appointment of counsel despite fact that pro se prisoner “may well have fared  
12 better-particularly in the realm of discovery and the securing of expert testimony.”) Plaintiff is  
13 advised that he free to retain counsel on his own, who may appear in the action by filing a notice of  
14 appearance and substitution as counsel. Accordingly, Plaintiff’s sixth motion for appointment of  
15 counsel is denied, without prejudice.

16  
17 IT IS SO ORDERED.

18 Dated: April 4, 2017

  
UNITED STATES MAGISTRATE JUDGE