



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 As with Plaintiff’s prior motion, the Court does find that the interests of justice or exceptional  
5 circumstances warrant appointment of counsel at this time. LaMere v. Risley, 827 F.2d 622, 626 (9th  
6 Cir. 1987); Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991). Plaintiff is proceeding on a claim  
7 of excessive force and the legal issues present in this action are not complex, and Plaintiff has  
8 thoroughly set forth his allegations in the complaint.

9 While a pro se litigant may be better served with the assistance of counsel, so long as a pro se  
10 litigant, such as Plaintiff in this instance, is able to “articulate his claims against the relative  
11 complexity of the matter,” the “exceptional circumstances” which might require the appointment of  
12 counsel do not exist. Rand v. Rowland, 113 F.3d at 1525 (finding no abuse of discretion under 28  
13 U.S.C. § 1915(e) when district court denied appointment of counsel despite fact that pro se prisoner  
14 “may well have fared better-particularly in the realm of discovery and the securing of expert  
15 testimony.”) Circumstances common to most prisoners, such as lack of funds, legal education and  
16 limited law library access, do not establish exceptional circumstances that would warrant a request for  
17 voluntary assistance of counsel. Accordingly, Plaintiff fourth motion for appointment of counsel is  
18 DENIED, without prejudice.

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21 IT IS SO ORDERED.

22 Dated: April 11, 2016



UNITED STATES MAGISTRATE JUDGE