



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

18  
19 IT IS SO ORDERED.

20 Dated: November 1, 2016



21 UNITED STATES MAGISTRATE JUDGE