

1 (9th Cir. 1998), and the Court cannot require an attorney to represent Plaintiff pursuant to 28
2 U.S.C. § 1915(e)(1). Mallard v. United States District Court for the Southern District of Iowa,
3 490 U.S. 296, 298, 109 S.Ct. 1814, 1816 (1989). However, in certain exceptional circumstances
4 the Court may request the voluntary assistance of counsel pursuant to section 1915(e)(1). Rand,
5 113 F.3d at 1525.

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

11 The Court will not order appointment of pro bono counsel at this time. At this early stage in
12 the proceedings, the Court cannot make a determination that Plaintiff is likely to succeed on the
13 merits. Moreover, based on the record in this case, the Court finds that Plaintiff can adequately
14 articulate his claims and respond to court orders. Finally, it does not appear that this case is complex.
15 Plaintiff is proceeding against one defendant on what appear to be straight forward claims for
16 violation of Plaintiff’s Eighth Amendment rights and negligence.

17 Plaintiff is advised that he is not precluded from renewing the motion for appointment of pro
18 bono counsel at a later stage of the proceedings. Additionally, the Court notes that if Plaintiff needs
19 any deadlines to be extended, he is free to ask the Court to extend those deadlines.

20 For the foregoing reasons, Plaintiff’s motion for appointment of pro bono counsel is DENIED
21 without prejudice.

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23 IT IS SO ORDERED.

24 Dated: May 5, 2017

25 /s/ Eric P. Gray
26 UNITED STATES MAGISTRATE JUDGE
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