



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 case, the Court does not find the required exceptional circumstances. Even if it  
5 assumed that Plaintiff is not well versed in the law and that he has made serious allegations which, if  
6 proved, would entitle him to relief, his case is not exceptional. Plaintiff alleges an Eighth Amendment  
7 claim for excessive force against Defendants Mariscal and Vallejo. The legal issues present in this  
8 action are not complex, and Plaintiff has thoroughly set forth his allegations in the complaint. At this  
9 early stage in the proceedings, the Court cannot make a determination that Plaintiff is likely to succeed  
10 on the merits, and based on a review of the record in this case, the Court does not find that Plaintiff  
11 cannot adequately articulate his claims. Id.

12 For the foregoing reasons, Plaintiff’s second motion for the appointment of counsel is  
13 **HEREBY DENIED**, without prejudice.

14  
15 **IT IS SO ORDERED.**

16 Dated: **August 3, 2015**



UNITED STATES MAGISTRATE JUDGE