

1 On April 3, 2017, Plaintiff filed the instant motion requesting the appointment of counsel.
2 (ECF No. 102.)

3 **II. Legal Standard**

4 As Plaintiff was previously informed, he does not have a constitutional right to appointed
5 counsel in this action, Rand v. Rowland, 113 F.3d 1520, 1525 (9th Cir. 1997), reversed in part on
6 other grounds, 154 F.3d 952, 954 n.1 (9th Cir. 1998), and the court cannot require an attorney to
7 represent plaintiff pursuant to 28 U.S.C. § 1915(e)(1). Mallard v. United States District Court for the
8 Southern District of Iowa, 490 U.S. 296, 298, 109 S. Ct. 1814, 1816 (1989). However, in certain
9 exceptional circumstances the court may request the voluntary assistance of counsel pursuant to
10 section 1915(e)(1). Rand, 113 F.3d at 1525.

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

16 **III. Discussion**

17 Plaintiff requests the appointment of counsel to assist him in conducting cross-examinations of
18 Defendants and their agents, witnesses, and counsel. In support of his request, Plaintiff contends that
19 his case is factually complex, his ability to investigate is limited due to his incarceration, his case
20 requires expert witnesses, he is indigent and lacks legal training and access to legal materials, his case
21 is legally complex, and his case is meritorious.

22 The Court has considered Plaintiff’s renewed motion for the appointment of counsel, but again
23 does not find the required exceptional circumstances. As previously indicated, this Court is faced with
24 similar cases involving claims of excessive force and deliberate indifference to serious medical needs
25 filed by prisoners proceeding in forma pauperis almost daily. These prisoners also must conduct legal
26 research and prosecute medical claims without the assistance of counsel. There is no indication that
27 Plaintiff is unable to conduct discovery or legal research to assist him in this matter or that he is unable
28 to articulate his claims.

