

1 “exceptional circumstances exist, the district court must evaluate both the likelihood of success of
2 the merits [and] the ability of the [plaintiff] to articulate his claims *pro se* in light of the
3 complexity of the legal issues involved.” *Id.* (internal quotation marks and citations omitted).

4 Plaintiff argues that he needs counsel because he “really doesn’t understand this legal
5 mail.” (ECF No. 13 at 1.) Plaintiff also submits copies of medical records showing that he
6 suffered injuries on July 23, 2016 including a scratch, scrape, dried blood, and swelling due to
7 exposure to pepper spray. (ECF No. 13 at 12-13.) These conditions alone do not make Plaintiff’s
8 case exceptional under the Ninth Circuit’s standards discussed above. At this early stage in the
9 proceedings, the Court cannot make a determination that Plaintiff is likely to succeed on the
10 merits. Plaintiff’s Second Amended Complaint was dismissed on August 1, 2016, for failure to
11 state a claim, with leave to amend. To date, Plaintiff has not filed a Third Amended Complaint.
12 Thus, there is no complaint on record in this case for which the Court has found cognizable
13 claims. Moreover, based on the record in this case, the Court finds that Plaintiff can adequately
14 articulate his claims and respond to court orders. Plaintiff is advised that he is not precluded from
15 renewing the motion for appointment of counsel at a later stage of the proceedings.

16 For the foregoing reasons, plaintiff’s motion for the appointment of counsel shall be
17 denied, without prejudice.

18 **II. MOTION FOR EXTENSION OF TIME**

19 Plaintiff requests an extension of time but does not indicate what deadline he wishes to
20 extend or why he needs an extension of time. Plaintiff merely states, “If I am late sending this
21 back in can I get extension date?” (ECF No. 13 at 1.) Plaintiff has not shown good cause for the
22 Court to grant him an extension of time. In the future, plaintiff must provide more information in
23 his motions, clarifying what relief he seeks and why.

24 In light of the fact that plaintiff’s only pending deadline in this case is to file a Third
25 Amended Complaint, the Court shall allow plaintiff additional time to do so. However, no further
26 extensions of time shall be granted without a showing of good cause.

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III. CONCLUSION

Based on the foregoing, IT IS HEREBY ORDERED that:

1. Plaintiff's motion for appointment of counsel is DENIED, without prejudice;
2. Plaintiff is GRANTED thirty days from the date of service of this order in which to file a Third Amended Complaint, pursuant to the Court's order of August 1, 2016; and
3. **No further extensions of time shall be granted without a showing of good cause.**

IT IS SO ORDERED.

Dated: September 16, 2016

/s/ Eric P. Gray
UNITED STATES MAGISTRATE JUDGE