

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

6 In the present case, the Court does find that neither the interests of justice nor exceptional
7 circumstances warrant appointment of counsel at this time. LaMere v. Risley, 827 F.2d 622, 626 (9th
8 Cir. 1987); Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991). While a pro se litigant may be
9 better served with the assistance of counsel, so long as a pro se litigant, such as Plaintiff in this
10 instance, is able to “articulate his claims against the relative complexity of the matter,” the
11 “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.”) In addition,
15 circumstances common to most prisoners, such as lack of legal education and limited law library
16 access, do not establish exceptional circumstances that would warrant a request for voluntary
17 assistance of counsel. Accordingly, Plaintiff motion for appointment of counsel is DENIED, without
18 prejudice.

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20 IT IS SO ORDERED.

21 Dated: January 10, 2018


22 UNITED STATES MAGISTRATE JUDGE