



1 Plaintiff pursuant to 28 U.S.C. § 1915(e)(1). Mallard v. United States District Court for the Southern  
2 District of Iowa, 490 U.S. 296, 298, 109 S. Ct. 1814, 1816 (1989). However, in certain exceptional  
3 circumstances the Court may request the voluntary assistance of counsel pursuant to section  
4 1915(e)(1). Rand, 113 F.3d at 1525. Without a reasonable method of securing and compensating  
5 counsel, the Court will seek volunteer counsel only in the most serious and exceptional cases. In  
6 determining whether “exceptional circumstances exist, the district court must evaluate both the  
7 likelihood of success of the merits [and] the ability of the [plaintiff] to articulate his claims pro se in  
8 light of the complexity of the legal issues involved.” Id. (internal quotation marks and citations  
9 omitted).

10 In the present case, the Court does not find the required exceptional circumstances. Even if it is  
11 assumed that Plaintiff is not well versed in the law and that he has made serious allegations which, if  
12 proved, would entitle him to relief, his case is not exceptional. This Court is faced with similar cases  
13 alleging the failure to protect from an attack by inmates almost daily. Further, at this early stage in the  
14 proceedings, the Court cannot find any likelihood of success on the merits. Also, based on a review of  
15 the record in this case, the court does not find that Plaintiff cannot adequately articulate his claims. Id.  
16 Plaintiff’s arguments, pleadings, and motions are comprehensible. Thus, the Court does not find this to  
17 be a serious and exceptional case necessitating the appointment of counsel at this time.

18 Accordingly, it is HEREBY ORDERED that Plaintiff’s motion for the appointment of counsel  
19 (ECF No. 21) is DENIED, without prejudice.

20  
21 IT IS SO ORDERED.

22 Dated: September 15, 2016

/s/ Barbara A. McAuliffe  
23 UNITED STATES MAGISTRATE JUDGE