

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 This case is proceeding on Plaintiff’s claim of deliberate indifference against Defendant Dr.
7 Sundaram. The test for exceptional circumstances requires the Court to evaluate the Plaintiff’s
8 likelihood of success on the merits and the ability of the Plaintiff to articulate his claims pro se in light
9 of the complexity of the legal issues involved. See Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th
10 Cir. 1986); Weygandt v. Look, 718 F.2d 952, 954 (9th Cir. 1983). Circumstances common to most
11 prisoners, such as lack of legal education and limited law library access, do not establish exceptional
12 circumstances that would warrant a request for voluntary assistance of counsel. While a pro se litigant
13 may be better served with the assistance of counsel, so long as a pro se litigant, such as Plaintiff in this
14 instance, is able to “articulate his claims against the relative complexity of the matter,” the
15 “exceptional circumstances” which might require the appointment of counsel do not exist. Rand v.
16 Rowland, 113 F.3d at 1525 (finding no abuse of discretion under 28 U.S.C. § 1915(e) when district
17 court denied appointment of counsel despite fact that pro se prisoner “may well have fared better-
18 particularly in the realm of discovery and the securing of expert testimony.”) Contrary to Plaintiff’s
19 claim this case is not at the trial stage as Defendant filed a motion for summary judgment on April 26,
20 2017, the same day the instant motion was filed. Based on the record in this case, the Court does not
21 find exceptional circumstances to warrant appointment of counsel. Accordingly, Plaintiff second
22 motion for appointment of counsel is DENIED, without prejudice.

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24 IT IS SO ORDERED.

25 Dated: April 27, 2017



UNITED STATES MAGISTRATE JUDGE