

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 The test for exceptional circumstances requires the Court to evaluate the Plaintiff’s likelihood
7 of success on the merits and the ability of the Plaintiff to articulate his claims pro se in light of the
8 complexity of the legal issues involved. See Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th Cir.
9 1986); Weygandt v. Look, 718 F.2d 952, 954 (9th Cir. 1983). Plaintiff has not demonstrated new or
10 different circumstances to merit appointment of counsel in this case, and Plaintiff simply presents the
11 same arguments previously considered by the Court in denying his prior motions for appointment of
12 counsel. Circumstances common to most prisoners, such as lack of legal education and limited law
13 library access, do not establish exceptional circumstances that would warrant a request for voluntary
14 assistance of counsel. Furthermore, appointment of counsel is not necessary for the parties to conduct
15 effective discovery. In the present case, the Court does not find the required exceptional
16 circumstances. Accordingly, Plaintiff’s fifth motion for appointment of counsel will be DENIED
17 without prejudice.

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19 IT IS SO ORDERED.

20 Dated: September 14, 2016



UNITED STATES MAGISTRATE JUDGE