

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

4 The test for exceptional circumstances requires the Court to evaluate the Plaintiff’s likelihood
5 of success on the merits and the ability of the Plaintiff to articulate his claims pro se in light of the
6 complexity of the legal issues involved. See Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th Cir.
7 1986); Weygandt v. Look, 718 F.2d 952, 954 (9th Cir. 1983). Plaintiff has not demonstrated new or
8 different circumstances to merit appointment of counsel in this case. Circumstances common to most
9 prisoners, such as lack of legal education and limited law library access, do not establish exceptional
10 circumstances that would warrant a request for voluntary assistance of counsel. The Court finds
11 Plaintiff’s reasons for requesting appointment of counsel indistinguishable from the reasons asserted
12 by most prisoners. Accordingly, Plaintiff’s seventh motion for appointment of counsel is be DENIED
13 without prejudice.

14
15 IT IS SO ORDERED.

16 Dated: February 6, 2017


UNITED STATES MAGISTRATE JUDGE