

1 828 F.2d 514 (9th Cir. 1987).

2 As Plaintiff was previously advised, he does not have a constitutional right to appointed
3 counsel in this action, Rand v. Rowland, 113 F.3d 1520, 1525 (9th Cir. 1997), and the court cannot
4 require any attorney to represent plaintiff pursuant to 28 U.S.C. § 1915(e)(1). Mallard v. United States
5 District Court for the Southern District of Iowa, 490 U.S. 296, 298 (1989). However, in certain
6 exceptional circumstances the court may request the voluntary assistance of counsel pursuant to
7 section 1915(e)(1). Rand, 113 F.3d at 1525.

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

13 Plaintiff has not demonstrated that the Court committed clear error, or presented the Court with
14 new information of a strongly convincing nature, to induce the Court to reverse its prior decision. At
15 this point in the proceedings, Plaintiff has not demonstrated that he has the required exceptional
16 circumstances. Although Plaintiff contends that he is legally blind, Plaintiff fails to demonstrate that
17 such circumstances have hindered his ability in prosecuting this action. Plaintiff’s reliance on “prison
18 litigator’s is not an extraordinary circumstance in this instance. As stated in the Court’s December 5,
19 2016, order, Plaintiff is not precluded from renewing the request for appointment of counsel at a later
20 stage of the proceedings, if appropriate. (Order at 2:14-16, ECF No. 27.) Accordingly, Plaintiff’s
21 motion for reconsideration of the Court’s December 5, 2016, order denying him appointment of
22 counsel is denied.

23
24 IT IS SO ORDERED.

25 Dated: December 22, 2016



26 UNITED STATES MAGISTRATE JUDGE