



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 In the present case, the Court does find that neither the interests of justice nor exceptional  
7 circumstances warrant appointment of counsel at this time. LaMere v. Risley, 827 F.2d 622, 626 (9th  
8 Cir. 1987); Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991). Although Plaintiff submits  
9 evidence that he suffers from post-traumatic stress disorder, the evidence demonstrates that he is  
10 receiving ongoing treatment for such condition. While a pro se litigant may be better served with the  
11 assistance of counsel, so long as a pro se litigant, such as Plaintiff in this instance, is able to “articulate  
12 his claims against the relative complexity of the matter,” the “exceptional circumstances” which might  
13 require the appointment of counsel do not exist. Rand v. Rowland, 113 F.3d at 1525 (finding no abuse  
14 of discretion under 28 U.S.C. § 1915(e) when district court denied appointment of counsel despite fact  
15 that pro se prisoner “may well have fared better-particularly in the realm of discovery and the securing  
16 of expert testimony.”) In addition, circumstances common to most prisoners, such as lack of legal  
17 education and limited law library access, do not establish exceptional circumstances that would  
18 warrant a request for voluntary assistance of counsel. A review of the record demonstrates that  
19 Plaintiff is capable of litigating this action and has done so to date. Accordingly, Plaintiff second  
20 motion for appointment of counsel is DENIED, without prejudice.

21  
22 IT IS SO ORDERED.

23 Dated: January 10, 2018

  
UNITED STATES MAGISTRATE JUDGE