

1 n.1 (9th Cir. 1998), and the court cannot require an attorney to represent plaintiff pursuant to 28
2 U.S.C. § 1915(e)(1). *Mallard v. U.S. Dist. Court for the S. Dist. of Iowa*, 490 U.S. 296, 298
3 (1989). However, in certain exceptional circumstances the court may request the voluntary
4 assistance of counsel pursuant to section 1915(e)(1). *Rand*, 113 F.3d at 1525.

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

10 The Court has considered Plaintiff’s request, but does not find the required exceptional
11 circumstances. Even if it is assumed that Plaintiff is not well versed in the law and that he has
12 made serious allegations which, if proved, would entitle him to relief, his case is not exceptional.
13 This Court is faced with similar cases filed by prisoners who are proceeding *pro se* and with
14 limited education in the law daily. These litigants also must conduct legal research, answer
15 discovery requests, and litigate their cases without the assistance of counsel.

16 Furthermore, at this stage in the proceedings, the Court cannot make a determination that
17 Plaintiff is likely to succeed on the merits. Though Plaintiff is proceeding on cognizable claims,
18 this does not mean that Plaintiff will succeed on his constitutional claims. Finally, based on a
19 review of the record in this case, the Court finds that Plaintiff can adequately articulate his claims.

20 Based on the foregoing, Plaintiff’s motion to appoint counsel, (ECF No. 77), is HEREBY
21 DENIED, without prejudice.

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23 IT IS SO ORDERED.

24 Dated: June 25, 2021

25 /s/ Barbara A. McAuliffe
26 UNITED STATES MAGISTRATE JUDGE
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