



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 In the present case, the court does not find the required exceptional circumstances. Plaintiff  
5 contends that health condition has made it impossible for him to litigate this action and he is required  
6 to rely on inmate assistance to file documents. Neither the interests of justice nor exceptional  
7 circumstances warrant appointment of counsel at this time. Circumstances common to most prisoners,  
8 such as lack of legal education and limited law library access, do not establish exceptional  
9 circumstances that would warrant a request for voluntary assistance of counsel. In addition, Plaintiff’s  
10 current motion demonstrates that Plaintiff (and/or his current inmate assistant) understands the process  
11 and how to file documents. Furthermore, the Court cannot evaluate the likelihood of success of the  
12 merits as Plaintiff’s complaint was dismissed, with leave to amend, for failure to state a cognizable  
13 claim for relief. The record in this case demonstrates sufficient writing ability and legal knowledge to  
14 articulate the claims asserted, even if such filings are done with the assistance of other inmates.  
15 Accordingly, Plaintiff’s motion for appointment of counsel is denied, without prejudice.

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18 IT IS SO ORDERED.

19 Dated: September 21, 2016



UNITED STATES MAGISTRATE JUDGE