

1 District of Iowa, 490 U.S. 296, 298, 109 S. Ct. 1814, 1816 (1989). However, in certain
2 exceptional circumstances the Court may request the voluntary assistance of counsel pursuant to
3 section 1915(e)(1). Rand, 113 F.3d at 1525. Without a reasonable method of securing and
4 compensating counsel, the Court will seek volunteer counsel only in the most serious and
5 exceptional cases. In determining whether “exceptional circumstances exist, the district court
6 must evaluate both the likelihood of success of the merits [and] the ability of the [plaintiff] to
7 articulate his claims pro se in light of the complexity of the legal issues involved.” Id. (internal
8 quotation marks and citations omitted).

9 In the present case, the Court does not find the required exceptional circumstances. Even
10 if it is assumed that Plaintiff is not well versed in the law and that he has made serious allegations
11 which, if proved, would entitle him to relief, his case is not exceptional. This Court is faced with
12 similar cases almost daily. Further, at this early stage in the proceedings, the Court cannot make
13 a determination that Plaintiff is likely to succeed on the merits, and based on a review of the
14 record in this case, the court does not find that Plaintiff cannot adequately articulate his claims.
15 Id.

16 Regarding Plaintiff’s argument that he requires appointed counsel to assist with service of
17 the complaint, that argument is premature. The Court is required to screen complaints brought by
18 prisoners seeking relief against a governmental entity or officer or employee of a governmental
19 entity. 28 U.S.C. § 1915A(a). Thus, Plaintiff’s complaint cannot be served until it has been
20 properly screened. If Plaintiff’s complaint survives screening, a subsequent order regarding
21 service will follow. Thus, Plaintiff’s duties regarding service of the complaint, including under
22 Rule 4(m), have not yet been triggered in this matter.

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For the foregoing reasons, Plaintiff's motion for the appointment of counsel (ECF No. 11) is HEREBY DENIED, without prejudice.

IT IS SO ORDERED.

Dated: May 31, 2016

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE