

1 In the present case, the court does not find the required exceptional circumstances. Even
2 if the Court assumes that Plaintiff is not well versed in the law and that he has made serious
3 allegations which, if proved, would entitle him to relief, his case is not exceptional. This court is
4 faced with similar cases almost daily. Further, at this stage in the proceedings, the court cannot
5 determine that Plaintiff is likely to succeed on the merits and based on a review of the record in
6 this case, the court does not find that Plaintiff cannot adequately articulate his claims. Id.

7 Though Plaintiff submitted some mental health records, they do not show that Plaintiff's
8 mental health is deteriorating.¹ He has suffered from a mental illness since a very young age,
9 and it appears that he has complained of the same concerns raised in his motion for appointment
10 of counsel for at least a year. Despite these subjective complaints, his clinician has not modified
11 his treatment plan or his medications. Importantly, despite his subjective complaints that have
12 existed for more than a year, he has been prosecuting this action successfully including defeating
13 a motion for summary judgment. (Docs. 48, 49)

14 For the foregoing reasons, Plaintiff's motion for the appointment of counsel is DENIED,
15 without prejudice to refile the motion with evidence from a medical professional opining that
16 Plaintiff's mental health is deteriorating and that this deterioration impairs his ability to prepare
17 for and engage in his trial.

18 IT IS SO ORDERED.

19 Dated: July 9, 2019

20 /s/ Jennifer L. Thurston
21 UNITED STATES MAGISTRATE JUDGE

22
23
24
25
26
27
28

¹ The Court notes that the record for Plaintiff's most recent mental health evaluation, in May of this year, are incomplete.