

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 The test for exceptional circumstances requires the Court to evaluate the Plaintiff’s likelihood
5 of success on the merits and the ability of the Plaintiff to articulate his claims pro se in light of the
6 complexity of the legal issues involved. See Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th Cir.
7 1986); Weygandt v. Look, 718 F.2d 952, 954 (9th Cir. 1983). Circumstances common to most
8 prisoners, 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 the present case,
10 the Court has yet to screen Plaintiff’s complaint and based on a cursory review of the complaint, the
11 Court does not find the required exceptional circumstances. Accordingly, Plaintiff’s motion for
12 appointment of counsel will be DENIED without prejudice.

13
14 IT IS SO ORDERED.

15 Dated: October 13, 2016



UNITED STATES MAGISTRATE JUDGE