



1 (9th Cir. 1998), and the court cannot require an attorney to represent plaintiff pursuant to 28 U.S.C.  
2 § 1915(e)(1). Mallard v. U.S. Dist. Court for the S. Dist. of Iowa, 490 U.S. 296, 298 (1989). However,  
3 in certain exceptional circumstances the court may request the voluntary assistance of counsel  
4 pursuant to section 1915(e)(1). Rand, 113 F.3d at 1525. Without a reasonable method of securing and  
5 compensating counsel, the court will seek volunteer counsel only in the most serious and exceptional  
6 cases. In determining whether “exceptional circumstances exist, a district court must evaluate both the  
7 likelihood of success on the merits [and] the ability of the [plaintiff] to articulate his claims pro se in  
8 light of the complexity of the legal issues involved.” Id. (internal quotation marks and citations  
9 omitted).

10 Here, the Court does not find the required exceptional circumstances for the appointment of  
11 counsel. The legal issues in this case are not complex, and the record reflects that Plaintiff is able to  
12 adequately articulate his claims. Furthermore, this case is at the screening stage, the Court having most  
13 recently found that Plaintiff’s first amended complaint has stated some cognizable claims. At this early  
14 stage in the litigation, the Court cannot find that this action is likely to succeed on the merits.

15 Finally, although Plaintiff’s medical condition may require reasonable accommodations, the  
16 Court does not find that Plaintiff’s current medical issues are a sufficient basis for appointing counsel  
17 under these circumstances. Plaintiff may request an extension of time to meet deadlines in this matter  
18 if necessary by filing a motion before the deadline expires, supported by good cause. Plaintiff may  
19 also continue seeking the assistance of other inmates as he has done in filing this motion.

20 Accordingly, Plaintiff’s request for counsel, filed June 1, 2017 (ECF No. 14), is HEREBY  
21 DENIED, without prejudice.

22  
23 IT IS SO ORDERED.

24 Dated: June 5, 2017

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