



1 constitutional right to appointed counsel in this action, Rand v. Rowland, 113 F.3d 1520,  
2 1525 (9th Cir. 1997), and the court cannot require an attorney to represent plaintiff  
3 pursuant to 28 U.S.C. § 1915(e)(1). Mallard v. United States District Court for the  
4 Southern District of Iowa, 490 U.S. 296, 298, 109 S.Ct. 1814, 1816 (1989). However, in  
5 certain exceptional circumstances the court may request the voluntary assistance of  
6 counsel pursuant to section 1915(e)(1). Rand, 113 F.3d at 1525.

7 Without a reasonable method of securing and compensating counsel, the court  
8 will seek volunteer counsel only in the most serious and exceptional cases. In  
9 determining whether “exceptional circumstances exist, the district court must evaluate  
10 both the likelihood of success of the merits [and] the ability of the [plaintiff] to articulate  
11 his claims *pro se* in light of the complexity of the legal issues involved.” Id. (internal  
12 quotation marks and citations omitted).

13 In the present case, the Court does not find the required exceptional  
14 circumstances. At this early stage in the proceedings, the Court cannot make a  
15 determination that Plaintiff is likely to succeed on the merits. In addition, Plaintiff has  
16 submitted no medical evidence of his mental impairments, and there is no indication that  
17 these impairments have affected his ability to adequately articulate his claims.

18 Accordingly, IT IS HEREBY ORDERED that:

19 1. Plaintiff’s second request for extension of time (ECF No. 10) is GRANTED.

20 Plaintiff shall file a First Amended Complaint within thirty days from the date of  
21 this Order; and

22 2. Plaintiff’s motion for appointment of counsel is DENIED.

23 IT IS SO ORDERED.

24  
25 Dated: April 18, 2017

26 /s/ Michael J. Seng  
27 UNITED STATES MAGISTRATE JUDGE  
28