

1 him pursuant to 28 U.S.C. § 1915(e)(1). Mallard v. United States District Court for the Southern
2 District of Iowa, 490 U.S. 296, 298 (1989). However, in certain exceptional circumstances the court
3 may request the voluntary assistance of counsel pursuant to section 1915(e)(1). Rand, 113 F.3d at
4 1525. Without a reasonable method of securing and compensating counsel, the court will seek
5 volunteer counsel only in the most serious and exceptional cases. In determining whether “exceptional
6 circumstances exist, the district court must evaluate both the likelihood of success on the merits [and]
7 the ability of the [plaintiff] to articulate his claims pro se in light of the complexity of the legal issues
8 involved.” Id. (internal quotation marks and citations omitted).

9 The test for exceptional circumstances requires the court to evaluate a plaintiff’s likelihood of
10 success on the merits and the ability of the plaintiff to articulate his claims pro se in light of the
11 complexity of the legal issues involved. See Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th Cir.
12 1986); Weygandt v. Look, 718 F.2d 952, 954 (9th Cir. 1983). Circumstances common to most
13 prisoners, such as lack of legal education and limited law library access, do not establish exceptional
14 circumstances that would warrant a request for voluntary assistance of counsel.

15 At this time, the Court does not find the exceptional circumstances necessary to request
16 volunteer counsel at this time. At this early stage in the litigation, the Court cannot find any likelihood
17 of success on the merits. Although Plaintiff’s complaint has not yet been screened to determine
18 whether it states a cognizable claim upon which relief may be granted, a brief review of the record
19 shows that he is able to adequately articulate his allegations and positions. His other circumstances are
20 not exceptional. Plaintiff’s complaint will be screened in due course.

21 Accordingly, it is HEREBY ORDERED that Plaintiff’s motion for appointment of counsel,
22 filed December 19, 2016 (ECF No. 9), will be DENIED, without prejudice.

23
24 IT IS SO ORDERED.

25 Dated: December 27, 2016



26 UNITED STATES MAGISTRATE JUDGE