

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

8 In the present case, the Court does find that neither the interests of justice nor exceptional
9 circumstances warrant appointment of counsel at this time. LaMere v. Risley, 827 F.2d 622, 626
10 (9th Cir. 1987); Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991). Circumstances common
11 to most prisoners, such as lack of legal education and limited law library access, do not establish
12 exceptional circumstances that would warrant a request for voluntary assistance of counsel. While
13 a pro se litigant may be better served with the assistance of counsel, so long as a pro se litigant,
14 such as Plaintiff in this instance, is able to “articulate his claims against the relative complexity of
15 the matter,” the “exceptional circumstances” which might require the appointment of counsel do
16 not exist. Rand v. Rowland, 113 F.3d at 1525 (finding no abuse of discretion under 28 U.S.C. §
17 1915(e) when district court denied appointment of counsel despite fact that pro se prisoner “may
18 well have fared better-particularly in the realm of discovery and the securing of expert
19 testimony.”) Plaintiff’s allegations of inadequate medical care are not exceptional, and at this
20 early stage in the action, the Court cannot find any likelihood of success on the merits.

21 Accordingly, Plaintiff’s motion for appointment of counsel is denied, without prejudice.

22 IT IS SO ORDERED.

23 Dated: April 14, 2017

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25 UNITED STATES MAGISTRATE JUDGE