

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

6 In the present case, the Court does not find the required exceptional circumstances. Plaintiff
7 contends that his mental health condition prevents him from effectively litigating this action. While
8 Plaintiff has alleged and demonstrated that he suffers mental health issues, the Court does not find that
9 the exceptional factors necessary to justify appointment of counsel exist in this case, at the present
10 time. Plaintiff’s current motion demonstrates that Plaintiff (and/or his current inmate assistant)
11 understand the process and how to file documents. Furthermore, the Court cannot evaluate the
12 likelihood of success of the merits as the Court has yet to the screen the complaint. The record in this
13 case demonstrates sufficient writing ability and legal knowledge to articulate the claims asserted, even
14 if such filings are done with the assistance of other inmates. Moreover, the exhibits attached to
15 Plaintiff’s demonstrate that he may go to the library and seek assistance from staff in the completion
16 of appropriate court requested forms. (Mot. Ex. B, ECF No. 8.) In addition, circumstances common
17 to most prisoners, such as lack of legal education and limited law library access, do not establish
18 exceptional circumstances that would warrant a request for voluntary assistance of counsel.
19 Accordingly, Plaintiff’s motion for appointment of counsel is denied, without prejudice.

20
21
22 IT IS SO ORDERED.

23 Dated: May 18, 2017



UNITED STATES MAGISTRATE JUDGE