

1 U.S.C. § 1915(e)(1). Mallard v. United States District Court for the Southern District of Iowa,
2 490 U.S. 296, 298, 109 S.Ct. 1814, 1816 (1989). However, in certain exceptional circumstances
3 the Court may request the voluntary assistance of counsel pursuant to section 1915(e)(1). Rand,
4 113 F.3d at 1525.

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

10 The Court will not order appointment of pro bono counsel at this time. The Court has
11 reviewed the record in this case, and at this time the Court cannot make a determination that Plaintiff
12 is likely to succeed on the merits of his claims (the complaint is awaiting screening). Moreover,
13 based on the complaint, it appears that Plaintiff can adequately articulate his claims.

14 Plaintiff is advised that he is not precluded from renewing his motion for appointment of pro
15 bono counsel at a later stage of the proceedings.

16 For the foregoing reasons, IT IS ORDERED that Plaintiff’s motion for appointment of pro
17 bono counsel is DENIED without prejudice.

18 IT IS SO ORDERED.

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20 Dated: October 30, 2017

21 /s/ Eric P. Gray
22 UNITED STATES MAGISTRATE JUDGE
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