

1 likelihood of success on the merits [and] the ability of the [plaintiff] to articulate [her] claims pro se in
2 light of the complexity of the legal issues involved.” Id. (internal quotation marks and citations
3 omitted). The test for exceptional circumstances requires the court to evaluate a plaintiff’s likelihood
4 of success on the merits and the ability of the plaintiff to articulate his or her claims pro se in light of
5 the complexity of the legal issues involved. See Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th Cir.
6 1986); Weygandt v. Look, 718 F.2d 952, 954 (9th Cir. 1983). Circumstances common to most
7 prisoners, such as lack of legal education and limited law library access, do not establish exceptional
8 circumstances that would warrant a request for voluntary assistance of counsel.

9 In this case, the Court does not find the exceptional circumstances necessary to request
10 volunteer counsel at this time. The Court does not find the legal issues here to be particularly
11 complex. The record reflects that Plaintiff has adequately articulated her claim, and as a result the
12 undersigned has recommended that this case proceed on Plaintiff’s claim for monetary damages for
13 deliberate indifference to a serious medical need. While a pro se litigant may be better served with the
14 assistance of counsel, so long as a pro se litigant, such as Plaintiff in this instance, is able to “articulate
15 [her] claims against the relative complexity of the matter,” the “exceptional circumstances” which
16 might require the appointment of counsel do not exist. Rand v. Rowland, 113 F.3d at 1525 (finding no
17 abuse of discretion under 28 U.S.C. § 1915(e) when district court denied appointment of counsel
18 despite fact that pro se prisoner “may well have fared better-particularly in the realm of discovery and
19 the securing of expert testimony.”) Further, there has not been a substantial change in the
20 circumstance from the previous three requests, the latest having been denied just over one month ago,
21 on January 31, 2019. Accordingly, Plaintiff’s fourth motion for appointment of counsel is denied,
22 without prejudice.

23
24 IT IS SO ORDERED.

25 Dated: March 7, 2019



26 UNITED STATES MAGISTRATE JUDGE