

1 the merits [and] the ability of the [plaintiff] to articulate his claims *pro se* in light of the
2 complexity of the legal issues involved.” Id. (internal quotation marks and citations omitted).

3 Plaintiff argues that he cannot afford to retain counsel, and he is at a disadvantage in
4 litigation because of his incarceration. While these conditions make litigation challenging, they
5 do not amount to exceptional circumstances under the law. At this early stage in the proceedings,
6 the court cannot make a determination that plaintiff is likely to succeed on the merits. Plaintiff’s
7 complaint was dismissed on June 27, 2018 for failure to state a claim, and his amended
8 complaint, filed on July 13, 2018, awaits screening by the court. (ECF Nos. 13, 14.) To date, the
9 court has not found any cognizable claims in plaintiff’s complaints for which to initiate service of
10 process, and no other parties have yet appeared. Moreover, based on a review of the record in
11 this case, the court finds that plaintiff can adequately articulate his claims. Id. Therefore,
12 plaintiff’s motion shall be denied without prejudice to renewal of the motion at a later stage of the
13 proceedings.

14 For the foregoing reasons, plaintiff’s motion for the appointment of counsel is HEREBY
15 DENIED, without prejudice.

16
17 IT IS SO ORDERED.

18 Dated: August 9, 2018

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE