



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  
4 on the merits [and] the ability of the [plaintiff] to articulate his claims pro se in light of the  
5 complexity of the legal issues involved.” Id. (internal quotation marks and citations omitted).  
6 “Neither of these considerations is dispositive and instead must be viewed together.” Palmer v.  
7 Valdez, 560 F.3d 965, 970 (9th Cir. 2009). The burden of demonstrating exceptional  
8 circumstances is on the plaintiff. Id.

9 The Court has considered Plaintiff’s request for appointed counsel, but does not find the  
10 required exceptional circumstances. Initially, circumstances common to most prisoners, such as  
11 lack of legal education, limited law library access, and lack of funds to hire counsel, do not alone  
12 establish the exceptional circumstances that would warrant appointment of counsel. Specifically,  
13 Plaintiff’s apprehension with pursuing this case on his own, while understandable, is not  
14 sufficient grounds for appointing counsel. See Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th  
15 Cir. 1986) (“Most actions require development of further facts during litigation and a pro se  
16 litigant will seldom be in a position to investigate easily the facts necessary to support the case.”).

17 Further, “[a]n inability to speak, write and/or under English, in and of itself, does not  
18 automatically give a [inmate] reasonable cause for failing to know about the legal requirements  
19 for filing his claims.” Hernandez v. Soto, No. CV 15-01374-PSG (AS), 2015 WL 5553543, at \*7  
20 (C.D. Cal. Sept. 14, 2015) (quoting Cobas v. Burgess, 306 F.3d 441, 444 (6th Cir. 2002)).  
21 Plaintiff’s inability to read and/or write English is not an extraordinary circumstance, and a  
22 review of the record demonstrates that Plaintiff has been able to communicate and respond to  
23 court orders.<sup>1</sup>

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26 <sup>1</sup> Indeed, the Court takes judicial notice of several cases filed by Plaintiff in which he has litigated in English,  
27 whether by use of a translator or otherwise. See Ruiz v. Oliveira, No. 17-cv-1914-DMS (NLS) (S.D. Cal.); Ruiz v.  
28 McGuire, No. 16-cv-0388-AJB-BLM (S.D. Cal.); Ruiz v. Curry, No. 17-cv-01407-DAD-SKO (E.D. Cal.); and Ruiz  
v. Curry, No. 17-cv-01454-DAD-SAB (E.D. Cal.).

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Accordingly, Plaintiff's third motion for appointment of counsel, (ECF No. 52), is  
HEREBY DENIED, without prejudice.

IT IS SO ORDERED.

Dated: November 25, 2019



UNITED STATES MAGISTRATE JUDGE