



1 the Court may request the voluntary assistance of counsel pursuant to section 1915(e)(1). Rand,  
2 113 F.3d at 1525.

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

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

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

14 Alternatively, Plaintiff may refile this motion immediately, but must include additional facts  
15 and evidence related to his mental issues and mental capacity. While Plaintiff claims to have mental  
16 health issues and insufficient mental capacity to prosecute this case, he has provided no evidence of  
17 these allegations. He has also not explained how his mental health issues and mental capacity affects  
18 his ability to prosecute this case. As mentioned above, the Court has reviewed Plaintiff’s complaint,  
19 and it appears that Plaintiff can adequately articulate his claims.

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

22 IT IS SO ORDERED.

23  
24 Dated: March 12, 2018

25 /s/ Eric P. Gray  
26 UNITED STATES MAGISTRATE JUDGE  
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