



1 n.1 (9th Cir. 1998), and the court cannot require an attorney to represent plaintiff pursuant to 28  
2 U.S.C. § 1915(e)(1). Mallard v. U.S. Dist. Court for the S. Dist. of Iowa, 490 U.S. 296, 298  
3 (1989). However, in certain exceptional circumstances the court may request the voluntary  
4 assistance of counsel pursuant to section 1915(e)(1). Rand, 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 on  
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 citations omitted).

10 The Court has considered Plaintiff’s motion for the appointment of counsel, but does not  
11 find the required exceptional circumstances. Even if it is assumed that Plaintiff is not well versed  
12 in the law and that he has made serious allegations which, if proved, would entitle him to relief,  
13 his case is not exceptional. This Court is faced with similar cases filed by prisoners proceeding  
14 *pro se* and *in forma pauperis* almost daily. These prisoners also must conduct legal research,  
15 prosecute claims, and conduct discovery without the assistance of counsel.

16 Furthermore, at this stage in the proceedings, the Court cannot make a determination that  
17 Plaintiff is likely to succeed on the merits. Plaintiff’s complaint has not been screened. Thus, the  
18 case does not yet proceed on any cognizable claims. Also, based on a review of the limited record  
19 in this case, the Court does not find that Plaintiff cannot adequately articulate his claims.

20 For the foregoing reasons, Plaintiff’s motion to appoint counsel (ECF No. 14) is DENIED,  
21 without prejudice.

22  
23 IT IS SO ORDERED.

24 Dated: May 29, 2018

25 /s/ Barbara A. McAuliffe  
26 UNITED STATES MAGISTRATE JUDGE  
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