

1 of Iowa, 490 U.S. 296, 298 (1989). However, in certain exceptional circumstances the court may
2 request the voluntary assistance of counsel pursuant to section 1915(e)(1). Rand, 113 F.3d at
3 1525.

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

9 The Court has considered Plaintiff’s renewed motion for the appointment of counsel, but
10 again does not find the required exceptional circumstances. Plaintiff has raised no new grounds
11 for the Court’s consideration, and as previously indicated, the Court is faced with similar cases
12 involving claims of excessive force filed by prisoners proceeding *pro se* and suffering various
13 medical conditions almost daily. These prisoners also must conduct legal research and prosecute
14 claims without the assistance of counsel. There is no indication at this time that Plaintiff is
15 unable to proceed in this matter 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. 19) is DENIED,
21 without prejudice. Although there are no pending deadlines in this action, Plaintiff is reminded
22 that, as necessary and appropriate, he may seek extensions of time for relevant case deadlines.

23 Fed. R. Civ. P. 6(b)(1).
24 IT IS SO ORDERED.

25 Dated: July 18, 2018

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