



1 Complaint.” (*Id.*) The magistrate judge has denied plaintiff’s three previous requests for  
2 appointment of counsel, each time finding that plaintiff failed to demonstrate exceptional  
3 circumstances in this case that would justify the appointment of counsel. (Doc. Nos. 13, 16, 21.)

4 Plaintiff’s fourth request is similarly fated, as plaintiff has again failed to demonstrate  
5 exceptional circumstances justifying the appointment of counsel. Plaintiff has not shown a  
6 likelihood of success on the merits and the court does not find that the legal issues implicated by  
7 his claims are complex. *See Rand v. Rowland*, 113 F.3d 1520, 1525 (9th Cir. 1997) (In  
8 determining whether “exceptional circumstances exist, the district must evaluate both the  
9 likelihood of success on the merits [and] the ability to articulate his claims pro se in light of the  
10 complexity of the legal issues involved.”) (internal quotation marks and citations omitted).

11 Accordingly, plaintiff’s fourth request for appointment of counsel will be denied.

12 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the court has conducted a  
13 *de novo* review of this case.<sup>1</sup> Having carefully reviewed the entire file, including plaintiff’s  
14 objections, the court finds the findings and recommendations to be supported by the record and  
15 by proper analysis.

16 Accordingly:

- 17 1. The findings and recommendations issued on October 8, 2019 (Doc. No. 22) are  
18 adopted;
- 19 2. This action is dismissed without leave to amend for failure to state a cognizable claim  
20 for relief;
- 21 3. Plaintiff’s request for the appointment of counsel (Doc. No. 23) is denied; and  
22 4. The Clerk of the Court is directed to close this action.

23 IT IS SO ORDERED.

24 Dated: December 13, 2019

25   
UNITED STATES DISTRICT JUDGE

26  
27 <sup>1</sup> The court notes that the claims brought in this case are substantially similar to those brought by  
28 plaintiff in *Martinez v. Standon et al.*, Case No. 1:19-cv-00845-SAB (PC) (E.D. Cal.). That case  
was dismissed by this court for failure to state a cognizable claim.