

1 volunteer counsel only in the most serious and exceptional cases. In determining whether
2 “exceptional circumstances exist, the district court must evaluate both the likelihood of success
3 on the merits [and] the ability of the [plaintiff] to articulate his claims pro se in light of the
4 complexity of the legal issues involved.” Id. (internal quotation marks and citations omitted).
5 “Neither of these considerations is dispositive and instead must be viewed together.” Palmer v.
6 Valdez, 560 F.3d 965, 970 (9th Cir. 2009). The burden of demonstrating exceptional
7 circumstances is on the plaintiff. Id.

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

16 Further, “a plaintiff’s statement that he lacks law library access, standing alone, will not
17 automatically result in the appointment of counsel.” Pleasant v. Warner, No. 3:19-cv-05249-
18 RJB-JRC, 2019 WL 2357929, at *3 (W.D. Wash. Jun. 4, 2019); see also Williams v.
19 Waddington, No. C07-5216-RBL-KLS, 2007 WL 2471674, at *1 (W.D. Wash. Aug. 29, 2007);
20 Moore v. Philips, No. 10-cv-3273, 2010 WL 5067823, at *1-2 (C.D. Ill. Dec. 7, 2010). While
21 Plaintiff alleges that the issues involved in this case are complex, the Court has reviewed
22 Plaintiff’s complaint and finds that Plaintiff’s claims do not appear to present novel or complex
23 issues of substantive law, and that Plaintiff is able to clearly articulate his claims. Finally, since
24 the Court has not yet screened Plaintiff’s complaint, the Court cannot evaluate Plaintiff’s
25 likelihood of success on the merits of his claims.

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Accordingly, Plaintiff's motion for appointment of counsel, (ECF No. 3), is HEREBY DENIED, without prejudice.

IT IS SO ORDERED.

Dated: October 11, 2019



UNITED STATES MAGISTRATE JUDGE