



1 attorney to voluntarily to represent such a plaintiff. See 28 U.S.C. § 1915(e)(1). Terrell v.  
2 Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991); Wood v. Housewright, 900 F.2d 1332, 1335-36  
3 (9th Cir. 1990). When determining whether “exceptional circumstances” exist, the court must  
4 consider plaintiff’s likelihood of success on the merits as well as the ability of the plaintiff to  
5 articulate his claims pro se in light of the complexity of the legal issues involved. Palmer v.  
6 Valdez, 560 F.3d 965, 970 (9th Cir. 2009) (district court did not abuse discretion in declining to  
7 appoint counsel). The burden of demonstrating exceptional circumstances is on the plaintiff. Id.  
8 Circumstances common to most prisoners, such as lack of legal education and limited law library  
9 access, do not establish exceptional circumstances that warrant a request for voluntary assistance  
10 of counsel.


11 Having considered the factors under Palmer, the court finds that plaintiff has failed to  
12 meet his burden of demonstrating exceptional circumstances warranting the appointment of  
13 counsel at this time.

14 Accordingly, IT IS HEREBY ORDERED that:

- 15 1. The October 21, 2013 findings and recommendations (ECF No. 11) are vacated;
- 16 2. Plaintiff is granted thirty days from the date of this order in which to file an amended  
17 complaint that complies with the September 4, 2013 order;
- 18 3. The Clerk of the Court is directed to re-serve a copy of the September 4, 2013 orders  
19 (ECF Nos. 7 & 8) on plaintiff; and
- 20 4. Plaintiff’s motion for the appointment of counsel (ECF No. 12) is denied without  
21 prejudice.

22 Dated: November 8, 2013

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26 KENDALL J. NEWMAN  
27 UNITED STATES MAGISTRATE JUDGE  
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