



1 issues involved. See Terrell, 935 F.2d at 1017. Neither factor is dispositive and both must be  
2 viewed together before reaching a decision. See id.

3 In the present case, the court does not at this time find the required exceptional  
4 circumstances. Plaintiff argues that appointment of counsel is warranted because: (1) he is a  
5 prisoner with limited access to legal research; (2) he is untrained in the law; (3) he is unable to  
6 obtain legal training; (4) he is indigent; and (5) the legal issues involved in this case are complex.  
7 As to the first four reasons, the court finds that these are not extraordinary circumstances but  
8 circumstances common to most state prisoners pursuing civil actions in federal court.

9 As to the last reason, the court does not agree with plaintiff that the legal issues  
10 involved in his case are complex. Plaintiff claims that defendants used excessive force during  
11 the course of a cell extraction. Plaintiff also claims that defendant Luis failed to provide  
12 adequate medical care and that defendant Lynch disregarded a risk to his safety. These are not  
13 legally complex claims.

14 Finally, a review of plaintiff's filings in this case thus far indicates that he is able  
15 to articulate his claims and to prosecute this action on his own.

16 Accordingly, IT IS HEREBY ORDERED that plaintiff's request for the  
17 appointment of counsel (Doc. 46) is denied.

18  
19 DATED: August 16, 2018

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21 **CRAIG M. KELLISON**  
22 UNITED STATES MAGISTRATE JUDGE  
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