

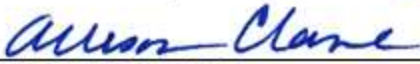
1 the merits of his claims. See Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th Cir. 1986);
2 Weygandt v. Look, 718 F.2d 952, 954 (9th Cir. 1983). Circumstances common to most prisoners,
3 such as lack of legal education and limited law library access, do not establish the requisite
4 exceptional circumstances.

5 Plaintiff's first request for appointment of counsel was denied on the ground, inter alia,
6 that plaintiff had capably identified and articulated his claims pro se. ECF No. 8 at 15. Indeed,
7 this case has survived defendants' motion to dismiss plaintiff's First Amended Complaint and
8 now proceeds on the merits of his claims. See ECF Nos. 47, 49. This result supports inferences
9 both that plaintiff has a reasonable possibility of success on the merits of his claims and that he
10 has capably represented himself through this stage of the proceedings. This scenario does not
11 demonstrate exceptional circumstances warranting appointment of counsel at the present time.
12 Therefore, plaintiff's instant request for appointment of counsel will be denied without prejudice.

13 Moreover, this case is set for a settlement conference on June 6, 2019, at which plaintiff is
14 scheduled to appear pro se by videoconference. See ECF Nos. 52, 56.

15 Accordingly, IT IS HEREBY ORDERED that plaintiff's instant request for appointment
16 of counsel, ECF No. 55, is denied without prejudice.

17 DATED: May 28, 2019

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19 ALLISON CLAIRE
20 UNITED STATES MAGISTRATE JUDGE
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