

1 counsel”); *Rand*, 113 F.3d at 1525. But without a means to compensate counsel, the court will
2 seek volunteer counsel only in exceptional circumstances. In determining whether such
3 circumstances exist, “the district court must evaluate both the likelihood of success on the merits
4 [and] the ability of the [plaintiff] to articulate his claims pro se in light of the complexity of the
5 legal issues involved.” *Rand*, 113 F.3d at 1525 (internal quotation marks and citations omitted).

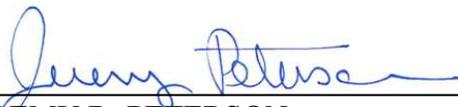
6 Plaintiff asks that counsel be appointed because new evidence has created complexities in
7 this case. ECF No. 145 at 1. He also alleges that he plans on amending his complaint to add
8 claims against at least three defendants. *Id* at 9. I cannot conclude that exceptional circumstances
9 requiring the appointment of counsel are present here. Plaintiff has effectively litigated this case
10 through discovery, several miscellaneous motions, and defended against a motion for summary
11 judgment. For these reasons, plaintiff’s motion to appoint counsel, ECF No. 145, is denied
12 without prejudice.

13 The court may revisit this issue at a later stage of the proceedings if the interests of justice
14 so require. If plaintiff later renews his request for counsel, he should provide a detailed
15 explanation of the circumstances that he believes justify appointment of counsel in this case.

16 Accordingly, it is hereby ORDERED that plaintiff’s motion for appointment of counsel,
17 ECF No. 145, and motion to set this case for a settlement conference, ECF No. 149, are denied
18 without prejudice.

19
20 IT IS SO ORDERED.

21 Dated: January 23, 2023

22 
23 JEREMY D. PETERSON
24 UNITED STATES MAGISTRATE JUDGE