


1 In light of the pending findings and recommendations, the undersigned again does not find
2 that plaintiff has demonstrated exceptional circumstances warranting the appointment of counsel.¹
3 While the court is not unsympathetic to the difficulties posed by the pandemic, parties and the
4 court are finding ways to adjust and continue with their litigation obligations. The findings and
5 recommendations issued over seven months ago, yet prison records reflect plaintiff has taken no
6 steps to access the library or legal materials. Plaintiff is reminded that he is required to prosecute
7 his action; he must follow prison rules and regulations in order to obtain access to his legal
8 materials, to gain physical access to the law library, and to avail himself of the prison paging
9 system. In an abundance of caution, plaintiff is granted one final extension of time in which to
10 file objections to the findings and recommendations. No further extensions of time will be
11 granted absent a showing of substantial cause.

12 Accordingly, IT IS HEREBY ORDERED that:

- 13 1. Plaintiff's request for reconsideration (ECF No. 90) is granted;
- 14 2. Upon reconsideration, plaintiff's renewed request for appointment of counsel (ECF No.
15 90) is denied; and
- 16 3. Plaintiff is granted forty-five days from the date of this order in which to file objections
17 to the findings and recommendations (ECF No. 81).

18 Dated: November 30, 2020

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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25 ¹ In certain “exceptional circumstances,” a court may appoint an attorney to represent a pro se
26 plaintiff. See 28 U.S.C. 1915(e)(1); Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991).
27 Determining whether “exceptional circumstances” exist requires consideration of the plaintiff’s
28 “likelihood of success on the merits as well as the ability of the [plaintiff] to articulate his claims
pro se in light of the complexity of the legal issues involved.” Palmer v. Valdez, 560 F.3d 965,
970 (9th Cir. 2009).