

1 references numerous events and recounts plaintiff's repeated efforts to obtain adequate care
2 through the administrative appeals process. The SAC identifies both federal and state law claims,
3 and references multiple exhibits. Plaintiff states that he will provide these exhibits upon the
4 court's request. The undersigned finds it necessary to review plaintiff's exhibits in order to
5 screen his complaint pursuant to 28 U.S.C. § 1915A, and therefore orders their submission.

6 The undersigned again finds that plaintiff has not demonstrated exceptional circumstances
7 warranting the appointment of counsel. See 28 U.S.C. § 1915(e)(1); Terrell v. Brewer, 935 F.2d
8 1015, 1017 (9th Cir. 1991); Wood v. Housewright, 900 F.2d 1332, 1335-36 (9th Cir. 1990).
9 Circumstances common to most prisoners, such as lack of legal education and limited law library
10 access, do not establish the requisite exceptional circumstances. Palmer v. Valdez, 560 F.3d 965,
11 970 (9th Cir. 2009). The test for exceptional circumstances requires the court to evaluate
12 plaintiff's likelihood of success on the merits of his claims and the ability of plaintiff to articulate
13 his claims pro se in light of the complexity of the legal issues involved. See Wilborn v.
14 Escalderon, 789 F.2d 1328, 1331 (9th Cir. 1986); Weygandt v. Look, 718 F.2d 952, 954 (9th Cir.
15 1983). Plaintiff's SAC and pending motion demonstrate that plaintiff, proceeding pro se, is
16 articulate and thorough in the presentation of his factual allegations and legal claims. Whether
17 there is a reasonable likelihood that plaintiff can succeed on the merits of his claims will be more
18 apparent after screening the SAC. Therefore, plaintiff's request for appointment of counsel will
19 be denied without prejudice at this time.

20 Finally, plaintiff's motion for preliminary injunctive relief appears to be premised on the
21 same ongoing medical conditions at issue on the SAC's claims for relief. In evaluating the merits
22 of this motion, this court must consider whether plaintiff has shown that "he is likely to succeed
23 on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that
24 the balance of equities tips in his favor, and that an injunction is in the public interest." Winter v.
25 Natural Resources Defense Council, 555 U.S. 7, 20 (2008); Stormans, Inc. v. Selecky, 586 F.3d
26 1109, 1127 (9th Cir. 2009) (quoting Winter). The granting of injunctive relief requires
27 demonstration of a significant threat of irreparable injury that must be imminent in nature.
28 Caribbean Marine Serv. Co. v. Baldrige, 844 F.2d 668, 674 (9th Cir. 1988). Because the SAC

1 has not yet been screened, the court is unable to determine the likelihood of plaintiff's success on
2 the merits of his claims, or whether the injuries he alleges are imminent, and is therefore unable to
3 assess the merits of plaintiff's motion for preliminary injunctive relief. For this reason,
4 petitioner's motion for preliminary injunctive relief will not be addressed at this time, but upon
5 screening plaintiff's SAC.

6 For these several reasons, IT IS HEREBY ORDERED that:

7 1. Plaintiff's motion for leave to proceed on his Second Amended Complaint, ECF No.
8 20, is GRANTED.

9 2. This action shall now proceed on plaintiff's Second Amended Complaint, ECF No. 21.

10 3. Plaintiff's request for appointment of counsel, ECF No. 19, is DENIED without
11 prejudice.

12 4. A decision on plaintiff's motion for preliminary injunctive relief, ECF No. 25, is
13 deferred until the screening of plaintiff's Second Amended Complaint pursuant to 28 U.S.C. §
14 1915A.

15 5. Plaintiff shall, within thirty (30) days after the filing date of this order, submit to the
16 court all exhibits referenced in his Second Amended Complaint; the court will direct the Clerk of
17 Court to attach these exhibits to the Second Amended Complaint.

18 IT IS SO ORDERED.

19 DATED: July 11, 2018

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21 ALLISON CLAIRE
22 UNITED STATES MAGISTRATE JUDGE
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