

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. First, the legal issue involved in the case – whether plaintiff suffered retaliation
5 in violation of the First Amendment – is not complex. Second, plaintiff has demonstrated an
6 ability to articulate his claims sufficiently on his own. Third, plaintiff’s motion sets forth no
7 circumstances which could be considered exceptional. Plaintiff states that he is incarcerated and
8 indigent, circumstances which are common to almost every prisoner case. Finally, at this early
9 stage of the proceeds before service has been ordered, the court cannot say that plaintiff has
10 demonstrated any particular likelihood of success on the merits of his claims.

11 Accordingly, IT IS HEREBY ORDERED that plaintiff’s request for the
12 appointment of counsel (Doc. 11) is denied.

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14 DATED: June 20, 2017

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16 **CRAIG M. KELLISON**
17 UNITED STATES MAGISTRATE JUDGE
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