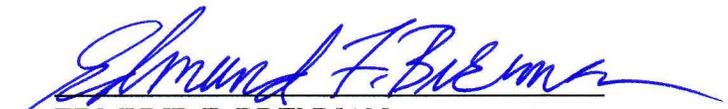




1 1015, 1017 (9th Cir.1991); *Richards v. Harper*, 864 F.2d 85, 87 (9th Cir.1988). In considering  
2 whether exceptional circumstances exist, the court must evaluate (1) the plaintiff's likelihood of  
3 success on the merits; and (2) the ability of the plaintiff to articulate his claims pro se in light of  
4 the complexity of the legal issues involved. *Terrell*, 935 F.2d at 1017. The court again cannot  
5 find that plaintiff's likelihood of success, the complexity of the issues, or the degree of plaintiff's  
6 ability to articulate his claims amount to exceptional circumstances justifying the appointment of  
7 counsel at this time. Accordingly, plaintiff's renewed request for appointment of counsel (ECF  
8 No. 20) is denied without prejudice.

9 In light of plaintiff's pro se status, the court will grant plaintiff a final extension until  
10 February 15, 2018, to file his motion for summary judgment. The court notes that plaintiff has  
11 had all documents necessary to prepare his motion for nearly a year, but has still failed to file his  
12 motion. *See* ECF No. 13. Accordingly, plaintiff is admonished that should he fail to file his  
13 motion for summary judgment by February 15, 2018, this action will be dismissed for failure to  
14 prosecute and/or follow court orders. *See* Fed. R. Civ. P. 41(b); E.D. Cal. L.R. 110.

15  
16 DATED: February 1, 2018

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18 EDMUND F. BRENNAN  
19 UNITED STATES MAGISTRATE JUDGE  
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