

1 to appointment of counsel because:

2 . . . Terrell demonstrated sufficient writing ability and legal knowledge to
3 articulate his claim. The facts he alleged and the issues he raised were not
4 of substantial complexity. The compelling evidence against Terrell made it
extremely unlikely that he would succeed on the merits.

5 Id. at 1017.

6 In the present case, the Court does not at this time find the required exceptional
7 circumstances. According to Plaintiff, appointment of counsel is warranted because: (1) he
8 cannot afford to retain counsel; (2) Plaintiff being transferred to and from court might delay the
9 trial; (3) Plaintiff has no law library access due to COVID-19 restrictions; (4) the issues involved
10 in this case are complex. See ECF No. 59, pgs. 1-2. These circumstances are generally common
11 among prisoners and are not the types of exceptional circumstances necessary for the appointment
12 of counsel. In addition, the case is not particularly complex. Plaintiff's filings suggest a
13 sufficient ability to litigate and articulate his one claim against the one defendant. Finally,
14 Plaintiff has not argued the likelihood of success on the merits. Plaintiff has made cognizable
15 claims and passed summary judgment thus far, which indicates the possibility of success. But it
16 is of course not dispositive as to Plaintiff's likelihood of success.

17 Accordingly, IT IS HEREBY ORDERED that Plaintiff's request for the
18 appointment of counsel, ECF No. 59, is denied.

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20 Dated: November 5, 2021



21 DENNIS M. COTA
22 UNITED STATES MAGISTRATE JUDGE

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