



1 pursuant to 28 U.S.C. § 1915(e)(1). Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991);  
2 Wood v. Housewright, 900 F.2d 1332, 1335-36 (9th Cir. 1990).

3 “When determining whether ‘exceptional circumstances’ exist, a court must consider ‘the  
4 likelihood of success on the merits as well as the ability of the [plaintiff] to articulate his claims  
5 *pro se* in light of the complexity of the legal issues involved.’” Palmer v. Valdez, 560 F.3d 965,  
6 970 (9th Cir. 2009) (quoting Weygandt v. Look, 718 F.2d 952, 954 (9th Cir. 1983)). The burden  
7 of demonstrating exceptional circumstances is on the plaintiff. Id. Circumstances common to  
8 most prisoners, such as lack of legal education and limited law library access, do not establish  
9 exceptional circumstances that would warrant a request for voluntary assistance of counsel.

10 In this case, plaintiff has not yet established that she is indigent and the court has yet to  
11 screen the complaint, so it is not clear whether she has any likelihood of success on the merits at  
12 this stage. For these reasons, the court is unable to find the necessary exceptional circumstances  
13 at this time and finds that appointment of counsel would be premature at this stage of the case.

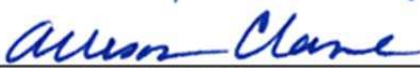
14 In accordance with the above, IT IS HEREBY ORDERED that:

15 1. Plaintiff shall submit, within thirty days from the date of this order, an application to  
16 proceed in forma pauperis on the form provided by the Clerk of Court. Plaintiff’s failure to  
17 comply with this order will result in a recommendation that this action be dismissed.

18 2. The Clerk of the Court is directed to send plaintiff a new Application to Proceed In  
19 Forma Pauperis By a Prisoner.

20 3. Plaintiff’s motion for appointment of counsel (ECF No. 2) is denied without prejudice.

21 DATED: March 17, 2017

22   
23 ALLISON CLAIRE  
24 UNITED STATES MAGISTRATE JUDGE  
25  
26  
27  
28