

1 U.S.C. § 1915(e)(1). Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991); Wood v.
2 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 Plaintiff has not established that he is indigent and therefore cannot show that he qualifies
11 for appointment of counsel. Furthermore, the court has yet to screen the complaint and is
12 therefore unable to determine plaintiff’s likelihood of success at this stage. The motion for
13 counsel will therefore be dismissed without prejudice as premature.

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 in
16 support of his request to proceed in forma pauperis on the form provided by the Clerk of Court, or
17 the required fees in the amount of \$400.00; plaintiff’s failure to comply with this order will result
18 in a recommendation that this action be dismissed.

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

21 3. Plaintiff’s motion for counsel (ECF No. 2) is dismissed without prejudice as premature.

22 SO ORDERED.

23 DATED: September 5, 2017

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25 ALLISON CLAIRE
26 UNITED STATES MAGISTRATE JUDGE
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