



1           The test for exceptional circumstances requires the court to evaluate the plaintiff's  
2 likelihood of success on the merits and the ability of the plaintiff to articulate his claims pro se in  
3 light of the complexity of the legal issues involved. See Wilborn v. Escalderon, 789 F.2d 1328,  
4 1331 (9th Cir. 1986); Weygandt v. Look, 718 F.2d 952, 954 (9th Cir. 1983).

5           In the present case, the court does not find the required exceptional circumstances.  
6 Circumstances common to most prisoners, such as lack of legal education and limited law library  
7 access, do not establish exceptional circumstances that would warrant a request for voluntary  
8 assistance of counsel. Additionally, plaintiff's claim that he suffers from a mental health  
9 condition is unsupported by any evidence and he has not explained how his mental health issues  
10 affect his ability to articulate his claims. Thus, the court will deny plaintiff's motion to appoint  
11 counsel without prejudice.

12           Accordingly, IT IS HEREBY ORDERED that plaintiff's motion for the appointment of  
13 counsel (ECF No. 22) is denied.

14 DATED: April 25, 2019

15 /s/ DEBORAH BARNES  
16 UNITED STATES MAGISTRATE JUDGE

17  
18  
19  
20  
21  
22  
23 DLB:12  
24 DLB:1/Orders/Prisoner/Civil.Rights/bloc0253.31  
25  
26  
27  
28