

1 most prisoners, such as lack of legal education and limited law library access, do not establish
2 exceptional circumstances that would warrant a request for voluntary assistance of counsel.

3 Plaintiff requests counsel on the grounds that his incarceration will greatly limit his ability
4 to litigate. ECF No. 38. Specifically, he asserts that an attorney would be better able to negotiate
5 a settlement and present evidence and cross-examine witnesses at trial. Id. He also argues that he
6 requires an attorney to obtain medical experts, depose defendant and other witnesses, and to
7 obtain defendant's file. Id. These circumstances are common to most prisoners and are therefore
8 not exceptional. Furthermore, it has not yet been determined that this case will proceed to trial,
9 so any requests for counsel based on the need for representation at trial are premature, and
10 plaintiff has not demonstrated that he will be unable to obtain the evidence he requires through
11 written discovery requests. To the extent plaintiff claims that he requires medical experts, this
12 case involves an alleged excessive use of force, not deficient medical treatment.

13 Accordingly, IT IS HEREBY ORDERED that plaintiff's request for the appointment of
14 counsel, ECF No. 38, is denied.

15 DATED: April 8, 2020

16 
17 ALLISON CLAIRE
18 UNITED STATES MAGISTRATE JUDGE
19
20
21
22
23
24
25
26
27
28