

1 dispositive and both must be viewed together before reaching a decision. See id. In Terrell, the
2 Ninth Circuit concluded the district court did not abuse its discretion with respect to appointment
3 of counsel because:

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

7 Id. at 1017.

8 In the present case, the court does not at this time find the required exceptional
9 circumstances. Plaintiff asserts appointment of counsel is warranted because he has a limited
10 education, limited funds, and is incarcerated. These constitute the ordinary circumstances of most
11 prisoners, not exceptional circumstances as would permit the appointment of counsel. A review
12 of the docket reflects that plaintiff is able to sufficiently articulate his claims on his own. Further,
13 the court cannot say at this stage of the proceedings before plaintiff has filed an operative
14 complaint that passes screening whether there is any particular likelihood of success on the
15 merits. Finally, based on the allegations regarding denial of adequate medical care in the original
16 complaint which the court found to be insufficient, it does not appear that the claims and issues
17 involved in this case are overly complex, either legally or factually.

18 Accordingly, IT IS HEREBY ORDERED that plaintiff's second request for the
19 appointment of counsel (ECF No. 18) is denied.

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22 Dated: September 25, 2019



23 DENNIS M. COTA
24 UNITED STATES MAGISTRATE JUDGE