

1 discretion with respect to appointment of counsel because:

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

5 Id. at 1017.

6 Here, Plaintiff contends that he requires counsel because of an outbreak of
7 COVID-19 in the state prison where he is presently incarcerated. ECF No. 97. He submitted, as
8 exhibits to his motion, an inmate status report and instructions from the California Department of
9 Corrections and Rehabilitation (CDCR) on handling COVID-19. ECF No. 97 at 3–4. The status
10 report and instructions indicate that CDCR has introduced restrictions on inmate activity to
11 reduce the spread of COVID-19. Id. Inmate activity outside of their cells is limited, and access to
12 prison facilities such as the cafeteria and law library has been modified. Id. Access to the prison’s
13 law library is now limited to inmates with upcoming court deadlines and inmates with Priority
14 Legal User (PLU) status. Id. at 4. Plaintiff also submitted a medical record from January 2020. Id.
15 at 5–7. The record indicates that Plaintiff had a kidney transplant in 2018 and takes various
16 medications as a result, states that Plaintiff worries about getting sick, and lists recommendations
17 for Plaintiff’s health. Id.

18 The Court is cognizant of the difficulty of litigating from prison, especially
19 considering the additional limitations that COVID-19 protocols have generated. The Court,
20 however, does not find exceptional circumstances warranting a request by the Court for voluntary
21 assistance of counsel. Review of the docket indicates that Plaintiff has been able to articulate his
22 claims on his own and comply with Court orders and deadlines. He has filed multiple motions
23 that sufficiently and coherently outline requested relief. The Court recognizes the present
24 restrictions placed upon inmates’ access to the prison’s law library, but Plaintiff’s exhibits
25 illustrate that inmates with upcoming court deadlines are permitted access to the library.

26 Furthermore, at this stage of the case, the Court cannot say that Plaintiff has
27 established a particular likelihood of success on the merits. Finally, Plaintiff alleges fairly
28 straightforward constitutional claims concerning access to the courts and legal material. See ECF

1 No. 1. The factual and legal issues involved in this case are not unusually complex. Plaintiff's
2 motion for appointment of counsel is DENIED.

3 IT IS SO ORDERED.

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6 Dated: January 7, 2021



7
8 DENNIS M. COTA
UNITED STATES MAGISTRATE JUDGE

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