

1 means that claims must be stated simply, concisely, and directly. See McHenry v. Renne, 84 F.3d 2 1172, 1177 (9th Cir. 1996) (referring to Fed. R. Civ. P. 8(e)(1)). These rules are satisfied if the 3 complaint gives the defendant fair notice of the plaintiff's claim and the grounds upon which it 4 rests. See Kimes v. Stone, 84 F.3d 1121, 1129 (9th Cir. 1996). Because plaintiff must allege 5 with at least some degree of particularity overt acts by specific defendants which support the 6 claims, vague and conclusory allegations fail to satisfy this standard. Additionally, it is 7 impossible for the court to conduct the screening required by law when the allegations are vague 8 and conclusory.

9 As discussed above, Rule 8 requires a complaint contain a short and plain 10 statement of the claim. Plaintiff's complaint refers to nearly 200 pages of attached documents 11 which purportedly support the factual allegations against the defendants. This pleading method 12 does not satisfy the requirement of Rule 8(a) that claims must be stated simply, concisely, and 13 directly. To the contrary, plaintiff's complaint would require the court to comb through 204 14 pages of documents in order to determine whether plaintiff has stated any claims upon which 15 relief can be granted. It is for plaintiff – not the Court – to formulate his claims in a way that 16 satisfies the rules. The complaint will be dismissed with leave to amend. Plaintiff is cautioned 17 that failure to file an amended complaint within the time specified herein may result in dismissal 18 of the entire action. See Local Rule 110.

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II. MOTION FOR APPOINTMENT OF COUNSEL

21 The United States Supreme Court has ruled that district courts lack authority to 22 require counsel to represent indigent prisoners in § 1983 cases. See Mallard v. United States Dist. 23 Court, 490 U.S. 296, 298 (1989). In certain exceptional circumstances, the court may request the 24 voluntary assistance of counsel pursuant to 28 U.S.C. § 1915(e)(1). See Terrell v. Brewer, 935 25 F.2d 1015, 1017 (9th Cir. 1991); Wood v. Housewright, 900 F.2d 1332, 1335-36 (9th Cir. 1990). A finding of "exceptional circumstances" requires an evaluation of both the likelihood of success 26 27 on the merits and the ability of the plaintiff to articulate his claims on his own in light of the 28 complexity of the legal issues involved. See Terrell, 935 F.2d at 1017. Neither factor is

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 of substantial complexity. The compelling evidence against Terrell made it
6	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. As discussed above, Plaintiff's complaint fails to meet the pleading requirement
10	under Rule 8. For that reason, as currently pleaded, there is no likelihood of success on the
11	merits. Further, Plaintiff's complaint seems to raise claims of alleged Eighth Amendment
12	violations related to medical treatment. These claims are similar to those raised by numerous pro
13	se plaintiffs. There is no indication that there is an exceptional component to Plaintiff's specific
14	claims such to justify the appointment of counsel. For these reasons, at this time, Plaintiff's
15	motion for appointment of counsel cannot be granted.
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17	III. CONCLUSION
18	Accordingly, IT IS HEREBY ORDERED that:
19	1. Plaintiff's first amended complaint (ECF No. 11) is DISMISSED with
20	leave to amend;
21	2. Plaintiff shall file a second amended complaint within 30 days of the date
22	of service of this order; and
23	3. Plaintiff's motion for appointment of counsel (ECF No. 10) is DENIED.
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26	Dated: October 4, 2019
27	DENNIS M. COTA
28	UNITED STATES MAGISTRATE JUDGE
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