

1 569 (9th Cir. 1995).

2 Districts courts have discretion, however, pursuant to 28 U.S.C. § 1915(e)(1), to “request” that
3 an attorney represent indigent civil litigants upon a showing of exceptional circumstances. *See Terrell*
4 *v. Brewer*, 935 F.2d 1015, 1017 (9th Cir. 1991); *Burns v. County of King*, 883 F.2d 819, 823 (9th Cir.
5 1989). “A finding of exceptional circumstances requires an evaluation of both the ‘likelihood of
6 success on the merits and the ability of the plaintiff to articulate his claims *pro se* in light of the
7 complexity of the legal issues involved.’ Neither of these issues is dispositive and both must be
8 viewed together before reaching a decision.” *Id.* (quoting *Wilborn v. Escalderon*, 789 F.2d 1328,
9 1331 (9th Cir. 1986)).

10 In the current motion, Plaintiff presents essentially the same arguments and facts from his prior
11 motions to appoint counsel, e.g., Plaintiff is not a native English speaker, discovery is complex, the
12 issues are complex, etc. Despite these alleged deficiencies, the Court finds Plaintiff is well versed in
13 the factual and legal issues involved in this case and has consistently demonstrated a high aptitude for
14 litigating his claims. The Court bases this finding not only on Plaintiff’s numerous and reasoned
15 filings, but also on Plaintiff’s oral discourse with the Court. Accordingly, Plaintiff’s alleged reliance
16 on another inmate for drafting and research assistance has not diminished his own ability to
17 understand and argue the legal and factual issues of his case. Even assuming, *arguendo*, Plaintiff’s
18 claims have a moderate to high likelihood of success on the merits, the Court nevertheless concludes
19 Plaintiff has failed to demonstrate the “exceptional circumstances” necessary to grant the motion
20 because Plaintiff has consistently demonstrated a high aptitude for litigating his claims and because
21 the Court does not find the issues to be so complex as to justify the appointment of counsel.

22 Accordingly, Plaintiff’s motion is denied without prejudice.

23 **IT IS SO ORDERED.**

24 DATED: February 23, 2012

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26 Hon. William McCurine, Jr.
27 U.S. Magistrate Judge
28 United States District Court