

1 The court may appoint counsel under 28 U.S.C. § 1915 only under exceptional circumstances.
2 *Terrell v. Brewer*, 935 F.2d 1015, 1017 (9th Cir. 1991). “A finding of exceptional circumstances requires
3 an evaluation of both the likelihood of success on the merits and the ability of the petitioner to articulate
4 his claims *pro se* in light of the complexity of the legal issues involved. Neither of these factors is
5 dispositive and both must be viewed together before reaching a decision.” *Id.* (citations and internal
6 quotation marks omitted). In this case, plaintiff has demonstrated that he is capable of adequately
7 articulating his claims, and the facts alleged and issues raised are not of substantial complexity.

8 Plaintiff states that he seeks appointed counsel because the prison severely limits the hours to the
9 law library. (#173). Plaintiff filed a change of address and it appears that Plaintiff has been released from
10 prison. In the instant case, the Court does not find exceptional circumstances that warrant the appointment
11 of counsel. Plaintiff's Motion for Appointment of Counsel (#173) is denied.

12 Accordingly,

13 IT IS HEREBY ORDERED that Defendant's Motion to Quash Subpoena *Duces Tecum*;
14 Opposition to Plaintiff's Motion for Order of I.F.P. Status (#164) is GRANTED.

15 IT IS FURTHER ORDERED that Plaintiff's Motion for Order of I.F.P. Status (#158) is DENIED.

16 IT IS FURTHER ORDERED that Plaintiff's Motion for Appointment of Counsel (#173) is
17 DENIED.

18 NOTICE

19 Pursuant to Local Rules IB 3-1 and IB 3-2, a party may object to orders and reports and
20 recommendations issued by the magistrate judge. Objections must be in writing and filed with the Clerk
21 of the Court within fourteen days. LR IB 3-1, 3-2. The Supreme Court has held that the courts of appeal
22 may determine that an appeal has been waived due to the failure to file objections within the specified
23 time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file objections
24 within the specified time and (2) failure to properly address and brief the objectionable issues waives the
25 right to appeal the District Court's order and/or appeal factual issues from the order of the District Court.

1 *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452,
2 454 (9th Cir. 1983). Pursuant to Local Special Rule 2-2, the Plaintiff must immediately file written
3 notification with the court of any change of address. The notification must include proof of service upon
4 each opposing party of the party's attorney. Failure to comply with this Rule may result in dismissal of
5 the action. See LSR 2-2.

6 DATED this 2nd day of October, 2015

7
8 

9 _____
10 CAM FERENBACH
11 UNITED STATES MAGISTRATE JUDGE
12
13
14
15
16
17
18
19
20
21
22
23
24
25