

1 970 (citations omitted); *see also Harrington v. Scribner*, 785 F.3d 1299, 1309 (9th Cir. 2015). In
2 “determining whether ‘exceptional circumstances’ exist, a court must consider ‘the likelihood of
3 success on the merits as well as the ability of the petitioner to articulate his claims *pro se* in light
4 of the complexity of the legal issues involved.’” *Palmer*, 560 F.3d at 970 (quoting *Weygandt v.*
5 *Look*, 718 F.2d 952, 954 (9th Cir. 1983)); *see also Cano v. Taylor*, 739 F.3d 1213, 1218 (9th Cir.
6 2015). “Neither of these considerations is dispositive and instead must be viewed together.” *Id.*
7 (citing *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986)); *see also Terrell v. Brewer*,
8 935 F.3d 1015, 1017 (9th Cir. 1991) (citation omitted).

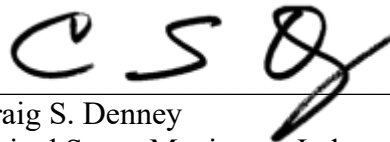
9 Plaintiff has not demonstrated a likelihood of success on the merits of his claims in this
10 action. Nor are his claims unduly complex. Plaintiff asserts that he needs to depose Defendants
11 to determine if there has been a cover-up, but he does not explain why written discovery would
12 not be sufficient to determine this information. In sum, Plaintiff has not established that
13 exceptional circumstances exist to justify the appointment of pro bono counsel in this case.

14 **CONCLUSION**

15 Plaintiff’s fourth motion for the appointment of counsel (ECF No. 92) is **DENIED**.

16
17 **IT IS SO ORDERED.**

18 Dated: August 30, 2024

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21 _____
22 Craig S. Denney
23 United States Magistrate Judge