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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

John Fratus,
Plaintiff,
vs.
Sergeant Peterson, et al.,
Defendants.

No. CV-08-01500-ROS

ORDER

Plaintiff seeks an extension of time to respond to Defendants’ answer. Plaintiff also seeks reconsideration of the order denying his request to appoint counsel. For the following reasons, both requests will be denied.

Federal Rule of Civil Procedure 7 permits the filing of a reply to an answer only “if the court orders one.” The Court has not ordered a reply. Thus, Plaintiff is not free to file one. Plaintiff’s request for additional time to file a reply is inappropriate and will be denied.

The Court will appoint counsel in “exceptional circumstances.” *Agyeman v. Corrections Corp. of Am.*, 390 F.3d 1101, 1103 (9th Cir. 2004). In determining whether such circumstances exist, the Court must evaluate “the likelihood of the plaintiff’s success on the merits” and “the plaintiff’s ability to articulate his claims.” *Id.* Plaintiff’s latest filings show he is able to set forth his position in an understandable manner. Moreover, this case is not

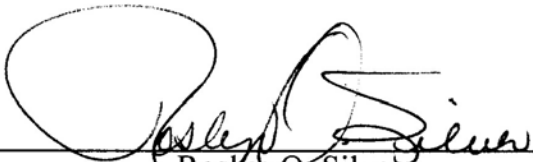
1 unusually complex. Thus, exceptional circumstances do not exist which would merit
2 appointment of counsel.

3 Accordingly,

4 **IT IS ORDERED** the Motion for Extension of Time and to Reconsider to Appoint
5 Counsel (Doc. 53) is **DENIED**.

6 DATED this 24th day of August, 2010.

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Roslyn O. Silver
United States District Judge