



1 Generally, a plaintiff in a civil action does not have a constitutional right to appointed  
2 counsel. Hernandez v. Whiting, 881 F.2d 768, 770-71 (9th Cir. 1989). The court has discretion  
3 to appoint an attorney to represent "any person unable to afford counsel." 28 U.S.C. § 1915(e)(1).  
4 Three factors the court should consider in determining whether to appoint counsel are the  
5 plaintiff's financial resources, efforts the plaintiff has made to obtain counsel, and the merit of  
6 plaintiff's claims. Johnson v. U.S. Dep't of Treasury, 939 F.2d 820, 823 (9th Cir. 1991).

7 Additionally, court appointment of counsel pursuant to 28 U.S.C. § 1915(e)(1) requires  
8 exceptional circumstances. Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991). " "A finding  
9 of exceptional circumstances requires an evaluation of both 'the likelihood of success on the  
10 merits and the ability of the petitioner to articulate his claims pro se in light of the complexity of  
11 the legal issues involved.' Neither of these factors is dispositive and both must be viewed  
12 together before reaching a decision." Terrell, 935 F.2d at 1017 (quoting Wilborn v. Escalderon,  
13 789 F.2d 1328, 1331 (9th Cir.1986)).

14 Pursuant to 42 U.S.C. § 2000e-5(f), "[u]pon application by the complainant and in such  
15 circumstances as the court may deem just, the court may appoint an attorney for such complainant  
16 and may authorize the commencement of the action without the payment of fees, costs, or  
17 security." The decision to appoint counsel is within the discretion of the district court and the  
18 court is not required to appoint counsel in every employment discrimination case. Johnson, 939  
19 F.2d at 824 ).

20 Plaintiff argues that it would be an abuse of discretion to fail to locate counsel for her,  
21 citing Howard v. Military Dep't, 5 F.3d 537 (9th Cir. 1993) (unpublished). In Howard the court  
22 abused its discretion because it found that plaintiff's case was appropriate for the appointment of  
23 an attorney, but did not appoint an attorney because there were no funds available for payment  
24 and no method in place to allow for the appointment of a pro bono attorney. Howard, 5 F.3d at 1.  
25 Howard holds that it is an abuse of discretion for the court to fail to appoint an attorney in an  
26 action where the appointment is found to be appropriate, not that failure to appoint counsel is per  
27 se abuse of discretion in an employment action. Therefore, the court shall address whether  
28 Plaintiff's case is appropriate for appointment of counsel.

1 In the present case, the court does not find the required exceptional circumstances to grant  
2 Plaintiff's motion for appointment of counsel. Based upon a review of the complaint and  
3 Plaintiff's filings in this action, Plaintiff is adequately able to articulate her claims. Further, a  
4 review of court records reveals that Plaintiff is an experienced litigant, and several of her cases  
5 involve similar claims to those raised here.<sup>1</sup>

6 Even if the Court assumes that Plaintiff is not well versed in the law and that she has made  
7 serious allegations which, if proved, would entitle her to relief, her case is not exceptional. This  
8 court is faced with similar cases almost daily. Further, at this early stage in the proceedings and  
9 having carefully reviewed the complaint, the court cannot make a determination that Plaintiff is  
10 likely to succeed on the merits of her claim. Plaintiff has failed to demonstrate that the required  
11 exceptional circumstances exist which would support granting appointment of counsel.  
12 Therefore, the Court denies Plaintiff's motion for appointment of counsel without prejudice.

## 13 II.

### 14 MOTION FOR PERMISSION TO FILE PLEADINGS AND 15 OTHER PAPERS THROUGH CM/ECF

16 Plaintiff seeks the Court's permission to file documents electronically through the  
17 electronic case management/filing ("CM/ECF") system. Pursuant to the Local Rules , a pro se  
18 party shall file and serve paper documents as required by the Rule. Local Rule 133(a). A party  
19 appearing pro se may request an exception to the paper filing requirement from the court by filing  
20 a stipulation of the parties or by motion. Local Rule 133(b)(2), (3).

21 Upon review of the pleadings in this action, the instant motion, and Plaintiff's prior  
22 actions, the Court finds that this action does not warrant an exception to the Local Rule and  
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24 <sup>1</sup> The Court takes judicial notice of court records and Plaintiff's previously filed pro se actions. Reddy v. Redlands  
25 Community Hospital, 5:95-cv-00453-RT-VAP (C.D.Cal); Reddy v. Loma Linda Community Hospital, 8:97-cv-  
26 00056-AHS-EE (C.D.Cal.); Reddy v. Superior & Municipal Court of California, 8:97-cv-00923-AHS-SH; In re  
27 Krishna K. Reddy, 2:98-cv-03250-ABC (C.D.Cal.); Reddy v. Home Side Lending, 2:99-cv-04431-ABC-SH  
28 (C.D.Cal.); Reddy v. United States District Court, 2:00-cv-01452-MMM (C.D.Cal.); Reddy v. State of Florida, 5:02-  
cv-01187-RT-SGL (C.D.Cal); Reddy v. Medquist, Inc., 1:06-cv-04410-RBK-AMD (D.N.J); Reddy v. Gilbert  
Medical Transcription Service, Inc., 2:10-cv-00524-JFW-DTB (C.D.Cal.); Reddy v. Webmedx, 2:12-cv-02406-CAS-  
JC (C.D.Cal.); Reddy v. Nuance Communications, Inc., 5:11-cv-05632-PSG (N.D.Cal.); Reddy v. Superior Global  
Solutions, Inc., 4:11-cv-00845-RC-ALM (E.D.Tex.); Reddy v. Medquist, Inc., 5:12-cv-01325-PSG (N.D.Cal.).

1 Plaintiff's motion for permission to file through CM/ECF is denied.

2 **III.**

3 **MOTION FOR EXTENSION OF TIME**

4 Plaintiff seeks an extension of time to conduct research so she can file an amended  
5 complaint in compliance with the Court's April 12, 2013 order. The Court shall grant Plaintiff's  
6 request. However, Plaintiff is advised that her amended complaint shall not contain any legal  
7 arguments or cite to any cases or statutes and if it violates this order, the amended complaint shall  
8 be stricken from the record.

9 **IV.**

10 **CONCLUSION AND ORDER**

11 Based on the foregoing, IT IS HEREBY ORDERED that:

- 12 1. Plaintiff's motion for appointment of counsel, filed May 8, 2013, is DENIED;
- 13 2. Plaintiff's motion for permission to file pleadings and other papers electronically,  
14 filed May 8, 2013, is DENIED;
- 15 3. Plaintiff's motion for an extension of time, filed May 8, 2013, is GRANTED;
- 16 4. Within thirty (30) days from the date of service of this order, Plaintiff shall either  
17 file an amended complaint in compliance with this and the April 12, 2013 order or  
18 notify the Court that she wishes to proceed on the claims found to be cognizable in  
19 her complaint; and
- 20 5. Failure to file an amended complaint or notice in compliance with this order will  
21 result in this action being dismissed.

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24 IT IS SO ORDERED.

25 Dated: May 9, 2013

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28 UNITED STATES MAGISTRATE JUDGE