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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

MARIBEL WATSCHKE,)	Case No.: 1:17-cv-1211-DAD - JLT
)	
Plaintiff,)	ORDER DENYING PLAINTIFF’S MOTION FOR
)	APPOINTMENT OF COUNSEL
v.)	
)	
DEPARTMENT OF THE AIR FORCE,)	(Doc. 6)
)	
Defendant.)	
)	

Maribel Watschke seeks for appointment of counsel, indicating she “will have difficulty articulating ...her claims pro se due to the complexity of the legal issues involved.” (Doc. 6 at 2) Although much of the document is illegible due to the ink used by Plaintiff, it appears she contends that she does not speak English well. (*See id.*)

Plaintiff is informed that in most civil cases, there is no constitutional right to counsel in most civil cases, but the Court may request an attorney represent indigent persons. 28 U.S.C. § 1915(e)(1). The Court cannot *require* representation of a plaintiff pursuant to 28 U.S.C. § 1915. *Mallard v. U.S. District Court for the Southern District of Iowa*, 490 U.S. 296, 298 (1989). Nevertheless, in “exceptional circumstances,” the Court has discretion to request the voluntary assistance of counsel. *Rand v. Rowland*, 113 F.3d 1520, 1525 (9th Cir. 1997).

To determine whether “exceptional circumstances exist, the district court must evaluate both the likelihood of success of the merits [and] the ability of the [plaintiff] to articulate his claims *pro se* in

1 light of the complexity of the legal issues involved.” *Rand*, 113 F.3d at 1525 (internal quotation marks
2 and citations omitted). Here, despite the assertion that she does not speak English well, Plaintiff was
3 able to communicate the facts alleged in her initial complaint. Further, at this early stage in the
4 proceeding, the Court is unable to make a determination that Plaintiff is likely to succeed on the merits.
5 Therefore, the Court does not find the required exceptional circumstances at this time.

6 Accordingly, the Court **ORDERS**: Plaintiff’s motion for the appointment of counsel (Doc. 6) is
7 **DENIED WITHOUT PREJUDICE**.

8
9 IT IS SO ORDERED.

10 Dated: September 13, 2017

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE