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

ANO LAUTIEJ,

Plaintiff,

CIV. NO. S-09-3315 FCD GGH PS

vs.

WAL-MART #2308,

Defendants.

ORDER

_____ /

Presently before the court is plaintiffs' request for appointment of counsel.

The district court has discretion under 28 U.S.C. § 1915(e)(1) to request counsel to represent an indigent civil litigant. First, however, the court must evaluate both (1) the likelihood of success on the merits and (2) the ability of the plaintiff to articulate his claims pro se in light of the complexity of the legal issues involved. See, e.g., Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir.1991). On the record before it, the court cannot find a likelihood of success on the merits. See Franklin v. Murphy, 745 F.2d 1221, 1236 (9th Cir.1984) (motions to appoint counsel granted only in exceptional circumstances and at discretion of trial court).

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1 Accordingly, IT IS ORDERED that plaintiffs' May 18, 2010 request for
2 appointment of counsel is denied.

3 DATED: May 24, 2010

/s/ Gregory G. Hollows

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GREGORY G. HOLLOWS
U. S. MAGISTRATE JUDGE

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