1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF CALIFORNIA 10 11 No. 2:12-cv-2180 TLN CKD PS LAMONT CROSSLEY., 12 Plaintiff. 13 **ORDER GRANTING PLAINTIFF'S** v. MOTION TO RECONSIDER 14 ABE NIAZI, 15 Defendant. 16 17 18 This matter is before the Court pursuant to Plaintiff Lamont Crossley's ("Plaintiff") 19 Motion to Reconsider Magistrate Judge Delaney's Order Denying Plaintiff's Request for 20 Appointed Counsel (ECF No. 65). Plaintiff, proceeding pro se, commenced this action on August 21 21, 2012, pursuant to 42 U.S.C. § 1983. On November 3, 2014, he filed a motion requesting the 22 appointment of counsel. Magistrate Judge Delaney denied his motion on November 6, 2014. (See Order, ECF No. 64.) Plaintiff has moved this Court to reconsider Plaintiff's request for 23 24 appointed counsel. The Court may appoint counsel under 28 U.S.C. §1915(e) if the Court finds "the 25 26 likelihood of success on the merits" and "the ability of the petitioner to articulate his claims pro se 27 in light of the complexity of the legal issues involved" weigh in favor of doing so. Terrell v. 28 Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991). Plaintiff's claims have already survived summary 1

judgment. Therefore, the Court finds that Plaintiff has shown a likelihood of success on the merits. Furthermore, the crux of Plaintiff's claims is that Defendants violated his rights under the Eighth Amendment by acting with deliberate indifference to post-operative complications he suffered following surgery on his right hand. Thus, this case involves complex medical issues involving Plaintiff's surgery and post-operative care.

The Court finds that these factors weigh in favor of granting Plaintiff's motion and thus GRANTS Plaintiff's Motion for Reconsideration. As such, this matter is referred to the Eastern District of California ADR and Pro Bono Program for counsel to be appointed.

IT IS SO ORDERED.

Dated: November 25, 2014

Troy L. Nunley

United States District Judge