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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KEITH BROWN,
Plaintiff,
v.
CHUCK HAGEL, et al.,
Defendants.

No. 2:15-cv-26-JAM-EFB PS

ORDER

On April 22, 2016, plaintiff filed a motion for appointment of counsel.¹ ECF No. 8. 28 U.S.C. § 1915(e)(1) authorizes the appointment of counsel to represent an indigent civil litigant in certain exceptional circumstances. *See Terrell v. Brewer*, 935 F.2d 1015, 1017 (9th Cir.1991); *Wood v. Housewright*, 900 F.2d 1332, 1335–36 (9th Cir.1990); *Richards v. Harper*, 864 F.2d 85, 87 (9th Cir.1988). In considering whether exceptional circumstances exist, the court must evaluate (1) the plaintiff’s 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. *Terrell*, 935 F.2d at 1017.

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¹ This case, in which plaintiff is proceeding *in propria persona*, was referred to the undersigned under Local Rule 302(c)(21). *See* 28 U.S.C. § 636(b)(1).

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The court cannot conclude that plaintiff's likelihood of success, the complexity of the issues, or the degree of plaintiff's ability to articulate his claims amount to exceptional circumstances justifying the appointment of counsel at this time.

Accordingly, it is hereby ORDERED that plaintiff's motion for appointment of counsel (ECF No. 8) is denied without prejudice.

DATED: June 2, 2016.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE