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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ERIC ZACHARY ANDERSON,  
Plaintiff,  
v.  
TIM VIRGA, et al.,  
Defendants.

No. 2:15-cv-1148-KJM-EFB P

ORDER


Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. He requests appointment of counsel as well as a 60-day extension of time to file pretrial statement pursuant to the court’s April 3, 2019 order.

District courts may authorize the appointment of counsel to represent an indigent civil litigant in certain exceptional circumstances. *See* 28 U.S.C. § 1915(e)(1); *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 her claims pro se in light of the complexity of the legal issues involved. *Terrell*, 935 F.2d at 1017. 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.

1 The court will however, grant plaintiff's request for an extension of time.

2 Accordingly, IT IS HEREBY ORDERED that plaintiff's request for the appointment of  
3 counsel (ECF No. 111) is denied and his request for a 60-day extension of time to file his pretrial  
4 statement (ECF No. 110) is granted.

5 DATED: May 28, 2019.

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7 EDMUND F. BRENNAN  
8 UNITED STATES MAGISTRATE JUDGE  
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