

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL J. BESOYAN,
Plaintiff,
v.
SACRAMENTO COUNTY, et al,
Defendants.

No. 2:16-cv-46-TLN-EFB PS

ORDER

On May 16, 2017, plaintiff filed a letter in which he requests that he be appointed counsel or, alternatively, be granted additional time to file an amended complaint.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.

////

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).

1 The court cannot conclude that plaintiff's likelihood of success, the complexity of the
2 issues, or the degree of plaintiff's ability to articulate his claims amount to exceptional
3 circumstances justifying the appointment of counsel at this time. Accordingly, plaintiff's request
4 for appointment of counsel is denied. However, the court will grant plaintiff until June 30, 2017
5 to file an amended complaint.

6 Plaintiff also requests permission to file documents electrically in this action. ECF No. 8
7 at 8. The Local Rules provide that "[a]ny person appearing pro se may not utilize electronic
8 filing except with the permission of the assigned Judge or Magistrate Judge." E.D. Cal. L.R.
9 133(b)(2). "Requests to use paper or electronic filing as exceptions from these Rules shall be
10 submitted as stipulations as provided in L.R. 143 or, if a stipulation cannot be had, as written
11 motions setting out an explanation of reasons for the exception. Points and authorities are not
12 required, and no argument or hearing will normally be held." E.D. Cal. L.R. 133(b)(3).

13 Plaintiff asserts that he should be permitted to file documents electronically because he is
14 currently staying at a property that is "off Grid" to "achieve some peace and clarity [sic] to
15 pursue [sic] this case." ECF No. 8 at 8. He further explains that the nearest "mail drop is about
16 an hour away" from the property. *Id.* Plaintiff's explanation fails to provide a sufficient basis for
17 permitting him to file electronically. Accordingly, his request to file electronically is denied.

18 So Ordered.

19 DATED: May 18, 2017.

20 
21 EDMUND F. BRENNAN
22 UNITED STATES MAGISTRATE JUDGE
23
24
25
26
27
28