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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

KIMBERLY R. OLSON,  
Plaintiff,  
v.  
PATRICIA SLOTE, et al.,  
Defendants.

No. 2:16-cv-956-KJM-EFB PS

ORDER

On October 25, 2017, the court dismissed plaintiff’s complaint, explained the deficiencies therein, and granted plaintiff thirty days to file an amended complaint. ECF No. 4. Plaintiff now requests the court appoint her counsel to assist her in drafting an amended complaint.

Alternatively, she requests a ninety-day extension of time in which to file an amended complaint. ECF No. 5. The request for appointment of counsel is denied and the request for an extension of time is granted in part.

28 U.S.C. § 1915(e)(1) authorizes the appointment of counsel to represent an indigent civil litigant in certain exceptional circumstances. *See Agyeman v. Corrections Corp. of America*, 390 F.3d 1101, 1103 (9th Cir 2004); *Terrell v. Brewer*, 935 F.2d 1015, 1017 (9th Cir.1991); *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. The court cannot conclude that plaintiff’s

1 likelihood of success, the complexity of the issues, or the degree of plaintiff's ability to articulate  
2 her claims amount to exceptional circumstances justifying the appointment of counsel at this  
3 time. Accordingly, plaintiff's request for appointment of counsel is denied.

4         However, the request for an extension of time to file an amended complaint is granted in  
5 part. The court notes that preparing an amended complaint does not require extensive legal  
6 research, as it should not contain any legal citations, but only a short and plain statement of the  
7 facts showing that plaintiff is entitled to relief. Accordingly, plaintiff's request for an extension  
8 of time (ECF No. 5) is granted, to the extent that plaintiff is granted forty-five (45) days from the  
9 date of this order in which to file the amended complaint. Failure to file an amended complaint  
10 will result in a recommendation that this action be dismissed. *See* Fed. R. Civ. P. 41(b).

11         So Ordered.

12 DATED: November 20, 2017.

  
EDMUND F. BRENNAN  
UNITED STATES MAGISTRATE JUDGE

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