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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LYNNETTE ELLIS,

Plaintiff,

v.

NANCY A. BERRYHILL, Acting
Commissioner of Social Security,

Defendant.

No. 2:16-cv-1490-EFB PS

ORDER

On September 20, 2017, the court denied plaintiff’s motion to remand and granted the Commissioner’s motion for summary judgment. ECF No. 20. The Clerk of the Court closed the case and judgment was entered accordingly. ECF No. 21. On October 26, 2017, plaintiff filed a motion for appointment of counsel. ECF No. 22.

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. Because this case is closed, the court does not find that exceptional circumstances exist justifying the appointment of counsel.

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Accordingly, plaintiff's motion for appointment of counsel (ECF No. 22) is denied.

DATED: November 8, 2017.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE