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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

VILAYCHITH KHOUANMANY,
Plaintiff,
v.
UNITED STATES MARSHALS, et al.,
Defendants.

No. 2:17-cv-1326-TLN-EFB P

ORDER

Plaintiff is a federal prisoner proceeding pro se with claims arising under *Bivens v. Six Unknown Named Agents*, 403 U.S. 388 (1971). She requests appointment of counsel as well as a 120-day extension of time to file objections to the court’s October 19, 2018 findings and recommendations. *See* ECF Nos. 64, 65, 66.

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

1 her claims amount to exceptional circumstances justifying the appointment of counsel at this
2 time. The court will however, grant plaintiff's request for an extension of time.

3 Accordingly, IT IS HEREBY ORDERED that plaintiff's request for the appointment of
4 counsel (ECF No. 66) is denied and her request for a 120-day extension of time to file objections
5 to the October 19, 2018 findings and recommendations (ECF No. 65) is granted. Any objections
6 to the findings and recommendations shall be filed no later than 120 days from the date of this
7 order.

8 DATED: November 26, 2018.


9 EDMUND F. BRENNAN
10 UNITED STATES MAGISTRATE JUDGE
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