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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DE' VON-SAMUEL JAMES-
SINGLETON PERKINS,

Plaintiff,

v.

D. BAUGHMAN, et al.,

Defendants.

No. 2:18-cv-1827-TLN-EFB P

ORDER

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. On November 20, 2019, the court recommended that plaintiff's amended complaint be dismissed for failure to comply with the court's May 9, 2019 screening order. ECF No. 14. Plaintiff now requests: (1) an extension of time to file objections to the court's findings and recommendations of dismissal; or alternatively, (2) leave to file a second amended complaint; and (3) appointment of counsel. ECF No. 15. In an abundance of caution, the court will hold the findings and recommendations in abeyance for thirty days to allow plaintiff an opportunity to file a second amended complaint. However, the request for appointment of counsel is denied.

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);

1 *Richards v. Harper*, 864 F.2d 85, 87 (9th Cir. 1988). In considering whether exceptional
2 circumstances exist, the court must evaluate (1) the plaintiff's likelihood of success on the merits;
3 and (2) the ability of the plaintiff to articulate her claims pro se in light of the complexity of the
4 legal issues involved. *Terrell*, 935 F.2d at 1017. The court cannot conclude that plaintiff's
5 likelihood of success, the complexity of the issues, or the degree of plaintiff's ability to articulate
6 her claims amount to exceptional circumstances justifying the appointment of counsel at this
7 time.

8 Accordingly, IT IS HEREBY ORDERED that plaintiff's December 9, 2019 motion (ECF
9 No. 15) is granted to the extent that plaintiff shall have thirty days within which to file a second
10 amended complaint. Should plaintiff fail to comply with this order, the findings and
11 recommendations will be submitted to the district judge for consideration.

12 DATED: December 18, 2019.

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14 EDMUND F. BRENNAN
15 UNITED STATES MAGISTRATE JUDGE
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