

1 the power to “request” that counsel represent a litigant who is proceeding in forma pauperis.
2 28 U.S.C. § 1915(e)(1). The decision to request counsel to represent an indigent litigant
3 under § 1915 is within “the sound discretion of the trial court and is granted only in
4 exceptional circumstances.” Franklin v. Murphy, 745 F.2d 1221, 1236 (9th Cir. 1984). A
5 finding of “exceptional circumstances” requires an evaluation of (1) the likelihood of the
6 plaintiff’s success on the merits, and (2) the plaintiff’s ability to articulate his claims pro se in
7 light of the complexity of the legal issues involved. See Agyeman v. Corrections Corp. of
8 America, 390 F.3d 1101, 1103 (9th Cir. 2004). To date, plaintiff has been able to present his
9 claims in an adequate manner and there are no exceptional circumstances warranting
10 appointment of counsel at this time. Should the circumstances of the case materially change,
11 the Court may reconsider plaintiff’s request sua sponte. Accordingly, plaintiff’s motion for
12 the appointment of counsel will be denied.

13 This order terminates Docket Nos. 93, 94, and 95.

14 IT IS SO ORDERED.

15 DATED: May 31, 2011

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17 MAXINE M. CHESNEY
18 United States District Judge
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