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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

GREGORY WAYNE WILLIAMS,

No. C 09-101 SI (pr)

Plaintiff,

**ORDER OF DISMISSAL WITH  
LEAVE TO AMEND**

v.

J. SHODY; et al.,

Defendants.

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**INTRODUCTION**

Gregory Wayne Williams, an inmate currently housed at the Correctional Training Facility in Soledad, filed a pro se civil rights action under 42 U.S.C. § 1983. His complaint is now before the court for review under 28 U.S.C. § 1915A. his motion for appointment of counsel also is before the court for consideration.

**BACKGROUND**

Williams complains of inadequate medical care by prison medical staff. He alleges that in early August 2007, he requested to be seen by a doctor for chest pain and a persistent cough. He states that, on September 28, 2007, an ultrasound test was performed on him and the results showed that he had a leak in his right artery. He alleges that he has been prescribed blood pressure checks, different medications, an albuterol inhaler and a flovent inhaler. He further alleges that his chest pains and cough are worsening. He believes the medications provided to him are inadequate.



1 allege facts showing that defendants have acted with deliberate indifference to his serious  
2 medical needs. In his amended complaint, he should identify each involved defendant by name  
3 and link each to his claim by explaining what each defendant did or failed to do that caused a  
4 violation of his constitutional rights. See Leer v. Murphy, 844 F.2d 628, 634 (9th Cir. 1988).

5 Williams has moved for the appointment of counsel to represent him in this action. A  
6 district court has discretion under 28 U.S.C. § 1915(e)(1) to designate counsel to represent an  
7 indigent civil litigant in exceptional circumstances. See Wilborn v. Escalderon, 789 F.2d 1328,  
8 1331 (9th Cir. 1986). This requires evaluation of both the likelihood of success on the merits  
9 and the ability of the plaintiff to articulate his claims pro se in light of the complexity of the legal  
10 issues involved. See id. Neither of these factors is dispositive and both must be viewed together  
11 before deciding on a request for counsel under section 1915(e)(1). Having considered both of  
12 these factors, the court concludes that exceptional circumstances requiring the appointment of  
13 counsel are not evident in this case. The motion for appointment of counsel is DENIED.

### 14 15 CONCLUSION

16 For the foregoing reasons, the complaint is dismissed with leave to amend. The amended  
17 complaint must be filed no later than **July 24, 2009**, and must include the caption and civil case  
18 number used in this order and the words AMENDED COMPLAINT on the first page. Plaintiff  
19 is cautioned that his amended complaint must be a complete statement of his claims and will  
20 supersede existing pleadings. See London v. Coopers & Lybrand, 644 F.2d 811, 814 (9th Cir.  
21 1981) ("a plaintiff waives all causes of action alleged in the original complaint which are not  
22 alleged in the amended complaint.") Failure to file the amended complaint by the deadline will  
23 result in the dismissal of the action.

24 Plaintiff's motion for appointment of counsel is DENIED. (Docket # 3.)

25 IT IS SO ORDERED.

26 Dated: June 11, 2009

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SUSAN ILLSTON  
United States District Judge