

\*E-Filed 04/26/2010\*

1  
2  
3  
4  
5  
6  
7  
8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10 SAN FRANCISCO DIVISION

11 CHOONYOUN LEE,

No. C 09-5614 RS

12  
13 Plaintiff,**ORDER DENYING REQUEST FOR  
APPOINTMENT OF COUNSEL**

14 v.

15 AT&amp;T CORPORATION, et al.,

16 Defendants.  
17 \_\_\_\_\_/

18  
19 By letter dated April 20, 2010, plaintiff Choonyoun Lee seeks appointed counsel in this  
20 lawsuit against defendant corporation AT&T. Plaintiff explains that since the initiation of the  
21 lawsuit, Lee has only found employment on a sporadic and temporary basis. Although no attorney  
22 has entered an appearance on plaintiff's behalf before this Court, Lee claims to have retained  
23 counsel but that the attorney has not agreed to provide representation should the matter proceed to  
24 trial.

25 Generally, a person has no right to appointed counsel in civil actions. *See Storseth v.*  
26 *Spellman*, 654 F.2d 1349, 1353 (9th Cir. 1981). A court may under "exceptional circumstances"  
27 appoint counsel for indigent civil litigants pursuant to 28 U.S.C. § 1915(e)(1). *Agyeman v. Corrs.*  
28 *Corp. of Am.*, 390 F.3d 1101, 1103 (9th Cir. 2004). When determining whether "exceptional

No. C 09-5614 RS  
ORDER

1 circumstances” exist, a court considers “the likelihood of success on the merits as well as the ability  
2 of the petitioner to articulate his claims pro se in light of the complexity of the legal issues  
3 involved.” *Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir. 1983). Neither of these considerations is  
4 dispositive; rather, they must be viewed together. *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th  
5 Cir. 1986).

6 Lee has presented no evidence of indigency, or that the circumstances are “exceptional”  
7 within the meaning described above. Accordingly, there is no legal basis to support the appointment  
8 of counsel and the request is denied.

9 Plaintiff may wish to seek assistance from the Legal Help Center, a free service of the  
10 Volunteer Legal Services Program, by calling 415/782.9000 x8657 or signing up for an  
11 appointment on the 15th Floor of the Courthouse, Room 2796. At the Legal Help Center, plaintiff  
12 may speak with an attorney who may be able to provide basic legal help but not legal representation.

13  
14 IT IS SO ORDERED.

15  
16 Dated: 04/26/2010

17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
  
RICHARD SEEBORG  
UNITED STATES DISTRICT JUDGE

