

United States District Court
For the Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NAOMI CASTILLO-RAMIREZ,
Plaintiff,

No. C-09-5938 EMC

v.

**ORDER DENYING PLAINTIFF’S
MOTION FOR APPOINTMENT OF
COUNSEL**

COUNTY OF SONOMA, and DOES 1 to
100, INCLUSIVE,
Defendants.

(Docket No. 61)

Plaintiff Naomi Castillo-Ramirez, though her guardian ad litem or next friend Maricela Ramirez, has moved for appointment of counsel.

Where a litigant is proceeding in forma pauperis, as here, “[t]he court may request an attorney to represent any person unable to afford counsel.” 28 U.S.C. § 1915(e)(1).

The decision to appoint such counsel is within “the sound discretion of the trial court and is granted only in exceptional circumstances.” A finding of the exceptional circumstances of the plaintiff seeking assistance requires at least an evaluation of the likelihood of the plaintiff’s success on the merits and an evaluation of the plaintiff’s ability to articulate his claims “in light of the complexity of the legal issues involved.”

Agyeman v. Corrections Corp. of Am., 390 F.3d 1101, 1103 (9th Cir. 2004).

Taking into consideration the above factors, the Court **DENIES** the request for appointment of counsel. Plaintiff has failed to make an adequate evaluation of the likelihood that she will succeed on the merits of the case. The investigative report of the Sheriff’s Department and Autopsy and Toxicology Reports do not appear to support the allegations of the complaint. Plaintiff has

1 offered at this point only speculation and conjecture. Moreover, although this case may potentially
2 involve some complex medical issues, it is not clear how complex the legal issues will be.

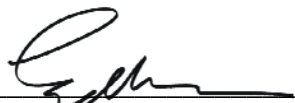
3 The Court reminds Plaintiff that she has until October 13, 2010, to retain counsel and have
4 counsel make an appearance. If no lawyer makes an appearance in this case on Plaintiff's behalf by
5 that date, then the Court may dismiss the case in its entirety.

6 The Court has previously referred the Plaintiff to the Legal Help Center and the Court's
7 manual for litigants without a lawyer, which is available on the Court's website,
8 www.cand.uscourts.gov.

9 This order disposes of Docket No. 61.

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11 IT IS SO ORDERED.

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13 Dated: September 7, 2010


EDWARD M. CHEN
United States Magistrate Judge

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NAOMI CASTILLO-RAMIREZ,

No. C-09-5938 EMC

Plaintiff,

v.

CERTIFICATE OF SERVICE

COUNTY OF SONOMA, and DOES 1 to
100, INCLUSIVE,

Defendants.

_____/

I, the undersigned, hereby certify that I am an employee in the U.S. District Court, Northern District of California. On the below date, I served a true and correct copy of the attached, by placing said copy/copies in a postage-paid envelope addressed to the person(s) listed below, by depositing said envelope in the U.S. Mail; or by placing said copy/copies into an inter-office delivery receptacle located in the Office of the Clerk.

Naomi Castillo-Ramirez
2113 W. Steele Lane
Santa Rosa, CA 95403
707-568-0348
PRO SE

Maricela Ramirez
2113 W. Steele Lane
Santa Rosa, CA 95403
PRO SE

Dated: September 7, 2010

RICHARD W. WIEKING, CLERK

By: /s/ Leni Doyle
Leni Doyle
Deputy Clerk