

E-Filed 08/11/2010

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 KENNETH JACKSON,

No. C 09-5994 RS

12
13 Plaintiff,

14 v.

**ORDER DENYING REQUEST FOR
APPOINTMENT OF COUNSEL WITH
LEAVE TO RENEW, REFERRING
PLAINTIFF TO LEGAL HELP
CENTER**15 COMMISSIONER OF SOCIAL
16 SECURITY,17 Defendant.
18 _____/19
20 By motion submitted July 13, 2010, pro se plaintiff Kenneth Jackson seeks appointed
21 counsel. Plaintiff explains that, due to his disability, he is “unable to handle the case.” In an
22 application to proceed in forma pauperis (filed on December 22, 2009 and granted on January 10,
23 2010 by Magistrate Judge Larson), Jackson also averred that he is unemployed.24 Generally, a person has no right to appointed counsel in civil actions. *See Storseth v.*
25 *Spellman*, 654 F.2d 1349, 1353 (9th Cir. 1981). A court may under “exceptional circumstances”
26 appoint counsel for indigent civil litigants pursuant to 28 U.S.C. § 1915(e)(1). *Agyeman v. Corrs.*
27 *Corp. of Am.*, 390 F.3d 1101, 1103 (9th Cir. 2004). When determining whether “exceptional
28 circumstances” exist, a court considers “the likelihood of success on the merits as well as the abilityNo. C 09-5994 RS
ORDER

1 of the petitioner to articulate his claims pro se in light of the complexity of the legal issues
2 involved.” *Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir. 1983). Neither of these considerations is
3 dispositive; rather, they must be viewed together. *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th
4 Cir. 1986).

5 In view of Jackson’s one-sentence motion, it seems possible but not clear whether the
6 circumstances here are “exceptional” within the meaning described above. While the Court is not
7 prepared to grant his request for appointment of counsel based on this presentation, he may renew
8 his motion. Jackson may wish to seek assistance from the Legal Help Center, a free service of the
9 Volunteer Legal Services Program. He should call (415) 782-9000 x8657 or sign up for an
10 appointment on the 15th Floor of the Courthouse, Room 2796. At the Legal Help Center, plaintiff
11 may speak with an attorney who may be able to provide basic legal help but not legal representation.

12
13 IT IS SO ORDERED.

14
15 Dated: 08/11/2010



16 RICHARD SEEBORG
17 UNITED STATES DISTRICT JUDGE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

THIS IS TO CERTIFY THAT A HARD COPY OF THIS ORDER WAS MAILED TO:

Kenneth Jackson
518 East Santa Inez Avenue
San Mateo, CA 94401

DATED: 08/11/2010

/s/ Chambers Staff
Chambers of Judge Richard Seeborg

* Counsel are responsible for distributing copies of this document to any co-counsel who have not registered with the Court's electronic filing system.