

1  
2  
3  
4  
5 IN THE UNITED STATES DISTRICT COURT  
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
7

8 CATHY ENWERE,

No. C 10-03235 SI

9 Plaintiff,

**ORDER DENYING SECOND REQUEST  
FOR APPOINTMENT OF COUNSEL**

10 v.

11 SAN MATEO MENTAL HEALTH,

12 Defendant.  
13 \_\_\_\_\_/

14 On October 5, 2010, the Court granted *pro se* plaintiff Cathy Enwere's application to proceed  
15 *in forma pauperis* but denied her request for appointment of counsel. With respect to the request for  
16 appointment of counsel, the Court denied the request after reviewing the documents filed in this case  
17 and the documents filed in Ms. Enwere's prior action (Case No. 07-1239). Based on that review, the  
18 Court found that Ms. Enwere's claims in this case are not likely to succeed and there are no exceptional  
19 circumstances requiring the appointment of counsel. October 5, 2010 Order at 3.


20 Ms. Enwere has now filed a second motion seeking appointment of counsel, arguing that she  
21 needs counsel because of her mental health issues. *See* Docket No. 19. While the Court is cognizant  
22 of the burdens that mental health issues may have with respect to a litigant's ability to prosecute his or  
23 her case, the Court will not appoint counsel here. As noted before, at this point in the litigation the  
24 Court has significant doubts that Ms. Enwere's claims are likely to succeed. Moreover, the documents  
25 filed by plaintiff in the case indicate that Ms. Enwere is able to explain the factual and legal bases for  
26 her claims. As such, the second request for appointment of counsel will be denied. *See Wilborn v.*  
27 *Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986) (court may appoint counsel to an indigent litigant  
28 under 28 U.S.C. section 1915(e)(1) in "exceptional circumstances" where there is a likelihood of success

1 on the merits and the plaintiff may not be able to articulate her claims *pro se* in light of the complexity  
2 of the legal issues involved).

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

**IT IS SO ORDERED.**

Dated: November 10, 2010

  
\_\_\_\_\_  
SUSAN ILLSTON  
United States District Judge