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5 UNITED STATES DISTRICT COURT
6 NORTHERN DISTRICT OF CALIFORNIA
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8 DERRICK D. MARTIN,
9 Plaintiff,

No. C 11-2942 SI (pr)

ORDER

10 v.

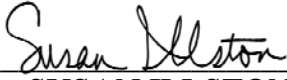
11 M. SEPULVEDA, chief medical officer;
12 et al.,

13 Defendants.
_____ /

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15 Plaintiff has requested that counsel be appointed to assist him in this action in which he
16 asserts a claim under the ADA. A district court has the discretion under 28 U.S.C. §1915(e)(1)
17 to designate counsel to represent an indigent civil litigant in exceptional circumstances. See
18 Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th Cir. 1986). This requires an evaluation of both
19 the likelihood of success on the merits and the ability of the plaintiff to articulate his claims pro
20 se in light of the complexity of the legal issues involved. See id. Neither of these factors is
21 dispositive and both must be viewed together before deciding on a request for counsel under §
22 1915(e)(1). Here, exceptional circumstances requiring the appointment of counsel are not
23 evident. At least the core of the case appears to have been resolved as plaintiff states in his
24 request for appointment of counsel that he now has received the requested ADA accommodation.
25 The request for appointment of counsel is DENIED. (Docket # 8.)

26 IT IS SO ORDERED.

27 Dated: December 20, 2011



28 SUSAN ILLSTON
United States District Judge