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UNITED STATES DISTRICT COURT
Northern District of California

MICHAEL A. VILLALOBOS,

No. C 12-0138 MEJ

Plaintiff,

**ORDER DENYING PLAINTIFF'S
REQUEST TO APPOINT
COUNSEL**

v.

TOM J. VILSACK,

Defendant.

On January 25, 2012, Plaintiff filed a request to appoint counsel in this lawsuit against Defendant Tom J. Vilsack. Dkt. No. 6. Plaintiff explains he has limited income to support representation.

Generally, a person has no right to appointed counsel in civil actions. *Storseth v. Spellman*, 654 F.2d 1349, 1353 (9th Cir. 1981). A court may under “exceptional circumstances” appoint counsel for indigent civil litigants pursuant to 28 U.S.C. § 1915(e)(1). *Agyeman v. Corrs. Corp. of Am.*, 390 F.3d 1101, 1103 (9th Cir. 2004). When determining whether “exceptional circumstances” exist, a court considers “the likelihood of success on the merits as well as the ability of the petitioner to articulate his claims pro se in light of the complexity of the legal issues involved.” *Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir. 1983). Neither of these considerations is dispositive; rather, they must be viewed together. *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986).

Here, Plaintiff has presented no evidence that the circumstances are “exceptional” within the meaning described above. There is no indication that this case is particularly complex, and he has presented no evidence of any attempts to obtain counsel. Accordingly, there is no legal basis to support the appointment of counsel and the request is denied. However, Plaintiff may wish to seek assistance from the Legal Help Center, a free service of the Volunteer Legal Services Program,

1 either by calling (415.782.9000, extension 8657) or signing up for an appointment on the 15th Floor
2 of the Courthouse, Room 2796, 450 Golden Gate Avenue, San Francisco, California. At the Legal
3 Help Center, Plaintiff may speak with an attorney who may be able to provide basic legal help but
4 not legal representation.

5 **IT IS SO ORDERED.**

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7 Dated: January 31, 2012

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10 Maria-Elena James
11 Chief United States Magistrate Judge
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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL A. VILLALOBOS,
Plaintiff,

Case Number: CV12-00138 MEJ

CERTIFICATE OF SERVICE

v.

TOM J. VILSACK et al,
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on January 31, 2012, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Michael A. Villalobos
2885 Bouth Bradley Road
Santa Maria, CA 93455

Dated: January 31, 2012

Richard W. Wieking, Clerk
By: Brenda Tolbert, Deputy Clerk