

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ARTIS E. GORHAM,
Plaintiff,

v.

A. SOLIS, et al.,
Defendants.

Case No. [12-cv-00890-WHO](#) (PR)

ORDER EXTENDING TIME;
ORDER DENYING MOTION FOR THE APPOINTMENT OF COUNSEL

Defendants' motion to extend time to file a dispositive motion, or notice regarding such motion, (Docket No. 27), is GRANTED. Such motion or notice shall be filed on or before March 10, 2014.

Plaintiff's motion for the appointment of counsel (Docket No. 23) is DENIED without prejudice because plaintiff has not shown that exceptional circumstances exist at this time.

The decision to request counsel to represent an indigent litigant under 28 U.S.C. § 1915 is within "the sound discretion of the trial court and is granted only in exceptional circumstances." *Franklin v. Murphy*, 745 F.2d 1221, 1236 (9th Cir. 1984). A finding of "exceptional circumstances" requires 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 pro se in light of the complexity of the legal issues involved. *See Agyeman v. Corrections*

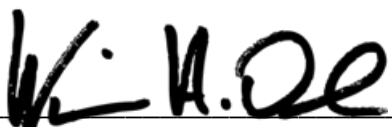
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Corp. of America, 390 F.3d 1101, 1103 (9th Cir. 2004). Neither the need for discovery, nor the fact that the pro se litigant would be better served with the assistance of counsel, necessarily qualify the issues involved as complex. *See Rand v. Rowland*, 113 F.3d 1520, 1525 (9th Cir. 1997). When the record is more fully developed, the Court will consider on its own motion whether the appointment of counsel is warranted.

The Clerk shall terminate Docket Nos. 23 and 27.

IT IS SO ORDERED.

Dated: January 9, 2014



WILLIAM H. ORRICK
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

ARTIS E GORHAM JR,
Plaintiff,

Case Number: CV12-00890 WHO

CERTIFICATE OF SERVICE

v.

A. SOLIS, et al.,

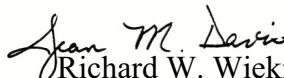
Defendant.

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 9, 2014, I SERVED a true and correct copy of the attached, by placing said copy in a postage paid envelope addressed to the person hereinafter listed, by depositing said envelope in the U.S. Mail.

Artis E. Gorham D-40352
Salinas Valley State Prison
FAC B3-121 Low
P.O. Box 1050; B3 121 Low
Soledad, CA 93960-1050

Dated: January 9, 2014


Richard W. Wieking, Clerk
By: Jean Davis, Deputy Clerk