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28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

In Re

No. C-12-0974 EMC (pr)

MICHANN MEADOWS,

Plaintiff.

**ORDER DENYING COUNSEL AND
EXTENDING DEADLINE**

This action was opened on February 11, 2012, when the Court received from Michann Meadows a letter to Judge Henderson that concerned prison conditions. On that date, the Court notified Ms. Meadows in writing that her action was deficient in that she had not attached a complaint and had not filed an *in forma pauperis* application. The Court further notified her that this action would be dismissed if she did not submit a complaint within thirty days. Ms. Meadows thereafter filed a request for an extension of time to proceed in this case and for appointment of counsel.


A district court has the discretion under 28 U.S.C. §1915(e)(1) to designate counsel to represent an indigent civil litigant in exceptional circumstances. *See Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986). This requires an evaluation of both the likelihood of success on the merits and the ability of the plaintiff to articulate his claims *pro se* in light of the complexity of the legal issues involved. *See id.* Neither of these factors is dispositive and both must be viewed together before deciding on a request for counsel under § 1915(e)(1). Here, the Court cannot determine that there is any likelihood of success because Ms. Meadows has not filed a complaint alleging any claims. Even if she does file a complaint, the action likely will be transferred to the U.S. District Court for the Eastern District of California; this Court will not appoint counsel if the

1 action will be transferred to another district. (The Court cannot say with certainty whether a transfer
2 will occur because there is no complaint on file; the Court predicts a transfer is likely based on the
3 fact that Ms. Meadows' letter concerns events and omissions at one or both of the women's prisons
4 in Madera County and therefore within the venue of the Eastern District of California.) Ms.
5 Meadows' request for appointment of counsel is **DENIED**. Docket # 4.

6 Ms. Meadows' request for an extension of time to proceed is **GRANTED**. Docket # 4.
7 Ms. Meadows must file a complaint and a completed *in forma pauperis* application no later than
8 **June 29, 2012**. No extensions of this deadline should be expected. Failure to file a complaint and
9 an *in forma pauperis* application (or to pay the filing fee) by the deadline will result in the dismissal
10 of this action.

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12 IT IS SO ORDERED.

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14 Dated: May 18, 2012



EDWARD M. CHEN
United States District Judge

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