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5 UNITED STATES DISTRICT COURT  
6 NORTHERN DISTRICT OF CALIFORNIA  
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8 JAMES ERNEST ROJO,

No. C 12-2518 SI (pr)

9 Plaintiff,

**ORDER DENYING MOTION FOR  
APPOINTMENT OF COUNSEL;  
GRANTING REQUEST FOR  
EXTENSION OF TIME TO FILE  
AMENDED COMPLAINT; AND  
VACATING BRIEFING SCHEDULE**

10 v.

11 DARRIN BRIGHT; et al.,

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

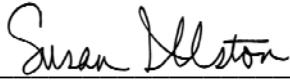
24 In the same document, plaintiff has requested an extension of time to file an amended  
25 complaint. The request is GRANTED. (Docket # 19.) Plaintiff must file and serve his proposed  
26 amended complaint by **March 29, 2013**. Defendants must file and serve any opposition to the  
27 proposed amended complaint no later than **April 26, 2013**. Plaintiff must file and serve his  
28 reply, if any, no later than **May 10, 2013**.

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In light of plaintiff's expressed desire to amend his complaint, the briefing schedule for dispositive motions is VACATED. The court will set a new briefing schedule after the amendment is resolved, so that all claims may be resolved at the same time.

IT IS SO ORDERED.

Dated: February 4, 2013

  
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SUSAN ILLSTON  
United States District Judge