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5 UNITED STATES DISTRICT COURT  
6 NORTHERN DISTRICT OF CALIFORNIA  
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8 WILLIAM LITTLE ANDERSON,

No. C 12-6055 SI (pr)

9 Plaintiff,

**ORDER DENYING REQUEST FOR  
COUNSEL**

10 v.

11 D. DELEON; et al.,

12 Defendants.  
13 \_\_\_\_\_/

14 Plaintiff has requested that counsel be appointed to assist him in this action. A district  
15 court has the discretion under 28 U.S.C. §1915(e)(1) to designate counsel to represent an  
16 indigent civil litigant in exceptional circumstances. *See Wilborn v. Escalderon*, 789 F.2d 1328,  
17 1331 (9th Cir. 1986). This requires an evaluation of both the likelihood of success on the merits  
18 and the ability of the plaintiff to articulate his claims *pro se* in light of the complexity of the legal  
19 issues involved. *See id.* Neither of these factors is dispositive and both must be viewed together  
20 before deciding on a request for counsel under § 1915(e)(1). Here, exceptional circumstances  
21 requiring the appointment of counsel are not evident. The request for appointment of counsel  
22 is DENIED. (Docket # 10.)

23 IT IS SO ORDERED.

24 Dated: April 15, 2013

  
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25 SUSAN ILLSTON  
26 United States District Judge  
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