

United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CHRISTOPHER PRATER,
Plaintiff,
v.
MACY'S CORPORATION,
Defendant.

No. C 13-4637 MMC

**ORDER DENYING PLAINTIFF'S
MOTION FOR APPOINTMENT OF
COUNSEL AT TRIAL**

Before the Court is plaintiff's "Motion for Appointment of Counsel at Trial," filed October 29, 2013. Having read and considered the motion, and having reviewed the docket of the instant matter, the Court rules as follows.

Pursuant to 28 U.S.C. § 1915(e)(1), a district court "may request an attorney to represent any person unable to afford counsel," 28 U.S.C. § 1915(e)(1), but it may do so "only in exceptional circumstances," see Agyeman v. Corrections Corp. of America, 390 F.3d 1101, 1103 (9th Cir. 2004) (internal quotation and citation omitted).¹ A finding of exceptional circumstances "requires at least 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 in

¹ Plaintiff, in support of his argument that he should be appointed an attorney under § 1915(e)(1) even in the absence of exceptional circumstances, cites only to cases decided in the Second and Third Circuits, which are not controlling here. Although plaintiff also cites 18 U.S.C. § 3006A(a)(2)(B) as a basis for appointment of counsel, his reliance thereon is unavailing, as said section applies only to cases brought pursuant to 18 U.S.C. §§ 2241, 2254, and 2255.

1 light of the complexity of the legal issues involved.” See id. Here, the Court finds the
2 issues raised in plaintiff’s complaint are not sufficiently complex to meet the “exceptional
3 circumstances” requirement of § 1915(e)(1).

4 Accordingly, plaintiff’s motion for appointment of counsel is hereby DENIED.

5 Plaintiff may, however, wish to seek assistance from the Legal Help Center, located
6 on the 15th floor of the Courthouse, Room 2796, where plaintiff may sign up for an
7 appointment with an attorney who may be able to provide basic legal help at no cost, but
8 not legal representation.

9 **IT IS SO ORDERED.**

10 Dated: December 20, 2013

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12 MAXINE M. CHESNEY
13 United States District Judge
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