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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DARRELL EDWARD BUCKINS,
Plaintiff,
v.
BRENDA MCCOY, et al.,
Defendants.

Case No. [16-cv-06157-SI](#)

**ORDER DENYING MOTION FOR
APPOINTMENT OF COUNSEL**

Re: Dkt. No. 16

Plaintiff has filed a second motion for the appointment of counsel to represent him in this action. 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, exceptional circumstances requiring the appointment of counsel are not evident. The motion for appointment of counsel is DENIED. (Docket No. 16.)

IT IS SO ORDERED.

Dated: June 12, 2017



SUSAN ILLSTON
United States District Judge