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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

Re: Dkt. No. 58

Plaintiff has sent to the court a letter requesting a further extension of the deadline to file his opposition to defendants' motion for summary judgment. Upon due consideration, the court GRANTS the request for an extension of the deadline. Docket No. 58. Plaintiff must file and serve his opposition to the motion for summary judgment no later than **December 14, 2018**. *This deadline will not be further extended.* By the time the deadline arrives, plaintiff will have had fifteen weeks to prepare his opposition. Defendants must file and serve their reply, if any, in support of their motion for summary judgment no later than **January 4, 2019**.

In his letter, plaintiff states that he hopes an attorney will be appointed for him. The court has twice denied his requests for appointment of counsel and now does so again. 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

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of counsel are not evident. The motion for appointment of counsel is DENIED. Docket No. 58.

IT IS SO ORDERED.

Dated: November 15, 2018



SUSAN ILLSTON
United States District Judge