

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA

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4 RICO RAMON YOUNGBLOOD,
5 Plaintiff,
6 v.
7 MEDEIROS, et al.,
8 Defendants.

Case No. 16-cv-06493-MEJ (PR)

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

Re: Dkt. No. 5

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10 Plaintiff has requested that counsel be appointed to assist him in this action. A district
11 court has the discretion under 28 U.S.C. § 1915(e)(1) to designate counsel to represent an indigent
12 civil litigant in exceptional circumstances. See Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th
13 Cir. 1986). This requires an evaluation of both the likelihood of success on the merits and the
14 ability of the plaintiff to articulate his claims pro se in light of the complexity of the legal issues
15 involved. See id. Neither of these factors is dispositive and both must be viewed together before
16 deciding on a request for counsel under § 1915(e)(1). Here, exceptional circumstances requiring
17 the appointment of counsel are not evident. The request for appointment of counsel is therefore
18 DENIED. The Court will consider appointment of counsel on its own motion, and seek volunteer
19 counsel to agree to represent plaintiff pro bono, if it determines at a later time in the proceedings
20 that appointment of counsel is warranted.

21 This order terminates Docket No. 5.

22 **IT IS SO ORDERED.**

23 Dated: January 6, 2017

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26 MARIA-ELENA JAMES
27 United States Magistrate Judge
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