

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JESSE LEON VILLEGAS,  
Plaintiff,  
v.  
M. MCLEAN, et al.,  
Defendants.

Case No. [17-cv-01216-JCS](#) (PR)

**ORDER DENYING MOTION FOR  
THE APPOINTMENT OF COUNSEL**

Dkt. No. 6

Plaintiff moves for the appointment of counsel (Docket No. 6) for the following reasons: he cannot afford to hire an attorney; and the services of an attorney are required because he is imprisoned, lacks legal knowledge, and the case is complex.

The decision to request counsel to represent an indigent litigant under 28 U.S.C. § 1915 is within “the sound discretion of the trial court and is granted only in exceptional circumstances.” *Franklin v. Murphy*, 745 F.2d 1221, 1236 (9th Cir. 1984). A finding of “exceptional circumstances” requires 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 pro se in light of the complexity of the legal issues involved. *See Agyeman v. Corrections Corp. of America*, 390 F.3d 1101, 1103 (9th Cir. 2004). Neither the need for discovery, nor the fact that the pro se litigant would be better served with the assistance of counsel, necessarily qualify the issues involved as complex. *See Rand v. Rowland*, 113 F.3d 1520, 1525 (9th Cir. 1997).

The motion fails to show exceptional circumstances exist. First, the case does not present legally or factually complex issues. Second, many of the circumstances plaintiff describes, such as a lack of legal knowledge, are difficulties all prisoner-plaintiffs must

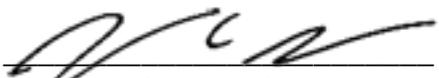
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

face. Furthermore, he has been able to adequately represent himself thus far. Accordingly,  
the motion is DENIED.

The Clerk shall terminate Docket No. 6.

**IT IS SO ORDERED.**

**Dated:** June 14, 2017

  
\_\_\_\_\_  
JOSEPH C. SPERO  
Chief Magistrate Judge

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JESSE LEON VILLEGAS,  
Plaintiff,  
v.  
M. MCLEAN, et al.,  
Defendants.

Case No. [17-cv-01216-JCS](#)

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on June 14, 2017, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Jesse Leon Villegas ID: ID: AY3980  
High Desert State Prison  
P.O. Box 3030  
Susanville, CA 96127

Dated: June 14, 2017

Susan Y. Soong  
Clerk, United States District Court

By: Karen L. Hom  
Karen Hom, Deputy Clerk to the  
Honorable JOSEPH C. SPERO