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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LIBRADO FORTANEL,

Plaintiff,

v.

C. E. DUCART, et al.,

Defendants.

Case No. [16-cv-03946-PJH](#)

**ORDER GRANTING EXTENSION;
DENYING MOTION TO APPOINT
COUNSEL**

Re: Dkt. No. 41

GOOD CAUSE APPEARING, it is hereby ordered that plaintiff's request for an extension (Docket No. 41) is **GRANTED**. Plaintiff may have until **June 4, 2018**, to file an amended complaint.

Plaintiff has also filed another motion to appoint counsel. There is no constitutional right to counsel in a civil case, *Lassiter v. Dep't of Social Services*, 452 U.S. 18, 25 (1981), and although district courts may "request" that counsel represent a litigant who is proceeding in forma pauperis, as plaintiff is here, see 28 U.S.C. § 1915(e)(1), that does not give the courts the power to make "coercive appointments of counsel." *Mallard v. United States Dist. Court*, 490 U.S. 296, 310 (1989).

The Ninth Circuit has held that a district court may ask counsel to represent an indigent litigant only in "exceptional circumstances," the determination of which requires an evaluation of both (1) the likelihood of success on the merits and (2) the ability of the plaintiff to articulate his claims pro se in light of the complexity of the legal issues involved. *Terrell v. Brewer*, 935 F.2d 1015, 1017 (9th Cir. 1991).

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Plaintiff has presented his claims adequately, and the issues are not complex. The motion is **DENIED**.

IT IS SO ORDERED.

Dated: May 4, 2018



PHYLLIS J. HAMILTON
United States District Judge

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA

3 LIBRADO FORTANEL,

4 Plaintiff,

5 v.

6 C. E. DUCART, et al.,

7 Defendants.
8

Case No. [16-cv-03946-PJH](#)

CERTIFICATE OF SERVICE


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

11
12 That on May 4, 2018, I SERVED a true and correct copy(ies) of the attached, by placing
13 said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by
14 depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery
15 receptacle located in the Clerk's office.
16

17 Librado Fortanel ID: J-54101
18 Deuel Vocational Institution
19 P.O. Box 600, Cell D-227
20 Tracy, CA 95378-0600

21 Dated: May 4, 2018

22
23 Susan Y. Soong
24 Clerk, United States District Court

25 
26 By: _____
27 Kelly Collins, Deputy Clerk to the
28 Honorable PHYLLIS J. HAMILTON