

\*\*E-Filed 8/11/2009\*\*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

JACQUELINE WATTS and INEZ THOMPSON,  
Plaintiffs,  
v.  
THE SAN MATEO COUNTY COUNSEL  
AGENTS, et al.,  
Defendants.

Case Number C 09-2720 JF (HRL)  
ORDER<sup>1</sup> DENYING MOTION TO  
APPOINT PRO BONO COUNSEL  
[re doc. no. 6]

On June 17, 2009, Plaintiffs Jacqueline Watts (“Watts”) and Inez Thompson (“Thompson”) filed a complaint seeking unspecified relief for the allegedly illegal seizure of a residential property located in the city of East Palo Alto. Plaintiffs appear to allege that counsel for the County of San Mateo placed one or more liens on the property in September 2004. Watts, who had power of attorney for Thompson (who is Watts’s grandmother), alleges that she subsequently was arrested and wrongfully imprisoned for four years. Watts also alleges that counsel for the County fraudulently took possession of the property in May 2005. Plaintiffs filed an application to proceed *in forma pauperis*. The Court denied the application without prejudice on the ground that complaint did not provide a basis for federal jurisdiction. Plaintiffs now seek

<sup>1</sup> This disposition is not designated for publication in the official reports.


1 the appointment of *pro bono* counsel.

2 In exceptional circumstances, the Court has discretion to request counsel to provide *pro*  
3 *bono* representation to a plaintiff proceeding *in forma pauperis*. See *Terrell v. Brewer*, 935 F.2d  
4 1015, 1017 (9th Cir. 1991). A finding of exceptional circumstances requires an evaluation of (1)  
5 the likelihood that the plaintiff's claims will succeed on the merits and (2) the ability of the  
6 plaintiff to articulate his or her claims *pro se* in light of the complexity of the legal issues  
7 involved. *Id.*

8 The Court finds that exceptional circumstances do not exist based on Plaintiffs' current  
9 pleadings. Among other things, Plaintiffs still have not alleged a basis for federal jurisdiction. It  
10 also appears that venue should be in San Francisco rather than San Jose. See Civ. L.R. 3-2(d).  
11 Accordingly, the motion for appointment of *pro bono* counsel is DENIED WITHOUT  
12 PREJUDICE. Plaintiffs may renew their request in the future if they can demonstrate a change in  
13 circumstances. Plaintiffs are assured that in keeping with the law of this circuit, the Court will  
14 construe their pleadings liberally and will afford them the benefit of any doubt regarding the  
15 claims presented. See *Karim-Panahi v. Los Angeles Police Dep't*, 839 F.2d 621, 623 (9th Cir.  
16 1988).

17 IT IS SO ORDERED.

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19  
20 DATED: August 11, 2009

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24 JEREMY FOGEL  
25 United States District Judge  
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1 This Order has been served upon the following persons:

2 Inez Thompson  
3 Post Office Box 213  
4 Palo Alto, CA 94302

5 Jacqueline Watts  
6 Post Office Box 213  
7 Palo Alto, CA 94302

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