

United States District Court
For the Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

PEDRO MEDINA,

Plaintiff,

v.

IMMIGRATION AND NATURALIZATION
DIRECTOR,

Defendant.

) Case No.: 5:13-cv-04436-PSG
)
) **ORDER DENYING PLAINTIFF’S**
) **MOTION TO APPOINT COUNSEL**
) **WITHOUT PREJUDICE**
)
) **(Re: Docket No. 2)**

Before the court is Plaintiff Pedro Medina’s motion to appoint counsel. Plaintiff’s request does not lay out the reasoning why Plaintiff’s motion should be granted. “Generally, a person has no right to counsel in civil actions. However, a court may under ‘exceptional circumstances’ appoint counsel for indigent civil litigants pursuant to 28 U.S.C. § 1915(e)(1).”¹ “When determining whether ‘exceptional circumstances’ exist, a court must consider ‘the likelihood of success on the merits as well as the ability of the petitioner to articulate his claims pro se in light of the complexity of the legal issues involved.’”² “Neither of these considerations is dispositive and

¹ Palmer v. Valdez, 560 F.3d 965, 970 (9th Cir. 2009) (citations omitted).
² Id. (quoting Weygandt v. Look, 718 F.2d 952, 954 (9th Cir. 1983)).


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instead must be viewed together.”³

In light of Plaintiff’s failure to set forth the exceptional circumstances necessitating counsel in this case, the court denies Plaintiff’s motion without prejudice.

IT IS SO ORDERED.

Dated: October 2, 2013



PAUL S. GREWAL
United States Magistrate Judge

³ *Id.*