

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

| | | |
|---|---|--------------------------------|
| SALIH IBRAHIM, |) | Case No. 5:15-cv-00336-PSG |
| |) | |
| Plaintiff, |) | ORDER DENYING MOTION TO |
| |) | APPOINT COUNSEL |
| v. |) | |
| |) | (Re: Docket No. 13) |
| DEFENSE LANGUAGE INSTITUTE, <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |

Plaintiff Salih Ibrahim asks this court to appoint counsel on his behalf for a second time. The court previously denied Ibrahim counsel due to “insufficient contents of [his] filing.”¹ Although Ibrahim’s request is more detailed, it still does not satisfy the Ninth Circuit standard. To determine whether to appoint counsel, the district court must consider (1) the plaintiff’s financial resources; (2) the efforts made by the plaintiff to secure counsel on his or her own and (3) the merit of the plaintiff’s claim.²

In granting Ibrahim’s application to proceed *in forma pauperis*,³ the court determined that Ibrahim lacks financial resources and that his claim has a certain degree of merit.⁴ The only

¹ Docket No. 5.

² See *Johnson v. U.S. Dept. of Treasury*, 939 F.2d 820, 824 (9th Cir. 1991) (citing *Ivey v. Bd. of Regents of the Univ. of Alaska*, 673 F.2d 266, 269 (9th Cir. 1982)); 28 U.S.C. § 1915(e)(1) (“The court may request an attorney to represent any person unable to afford counsel.”).

³ See Docket No. 6.

1 question remaining is whether Ibrahim made any efforts to secure counsel on his own. On this the
2 record is empty.

3 The motion to appoint counsel is DENIED without prejudice. Ibrahim may file a renewed
4 motion if he can show that he took reasonable steps to secure an attorney on his own but was
5 unable to do so.

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7 **SO ORDERED.**

8 Dated: March 23, 2015

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10 PAUL S. GREWAL
11 United States Magistrate Judge

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⁴ 28 U.S.C. § 1915(a)(1).