

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,	)	<b>ORDER DENYING MOTION TO</b>
	)	<b>APPOINT COUNSEL</b>
v.	)	
	)	<b>(Re: Docket No. 20)</b>
DEFENSE LANGUAGE INSTITUTE, et al.,	)	
	)	
Defendants.	)	

Plaintiff Salih Ibrahim asks this court to appoint counsel on his behalf for a third time. The court previously denied Ibrahim counsel due to the “insufficient contents of [his] filing”<sup>1</sup> and in light of his failure to attempt to secure counsel on his own.<sup>2</sup> Ibrahim’s request is now more detailed and documents attempts to secure counsel on his own, satisfying the basic Ninth Circuit standard.<sup>3</sup>

<sup>1</sup> Docket No. 5.

<sup>2</sup> Docket No. 15.

<sup>3</sup> 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. *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.”).

1           Once the court has determined that an individual qualifies for an appointment of counsel,  
2 the court still has the discretion to decide whether such appointment is proper. “The court may  
3 appoint counsel under section 1915(d) only under ‘exceptional circumstances.’ ‘A finding of  
4 exceptional circumstances requires an evaluation of both ‘the likelihood of success on the merits  
5 and the ability of the petitioner to articulate his claims *pro se* in light of the complexity of the legal  
6 issues involved.’”<sup>4</sup> Here, Ibrahim has demonstrated sufficient writing ability and legal knowledge  
7 to articulate his claims. The facts he has alleged and the issues he has raised are not of substantial  
8 complexity to justify court-appointed counsel at this juncture.

9           The motion to appoint counsel is DENIED.

10           **SO ORDERED.**

11           Dated: May 13, 2015

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14           PAUL S. GREWAL  
15           United States Magistrate Judge

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28           <sup>4</sup> *Terrell v. Brewer*, 935 F.2d 1015, 1017 (9th Cir. 1991) (citing *Wilborn v. Escalderon*, 789 F.2d  
1328, 1331 (9th Cir. 1986)).