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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

NELSON C. BURNS,

Plaintiff,

vs.

DECARR, CROOK, VISTA DETENTION
FACILITY, VISTA SHERIFF'S
DEPARTMENT,

Defendants.

CASE NO. 07-CV-1984 JLS (WMC)

**ORDER APPOINTING PRO BONO
COUNSEL PURSUANT TO
28 U.S.C. § 1915(e)(1)**

Plaintiff, a state prisoner currently incarcerated at Corcoran State Prison in Corcoran, California, filed this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff has been proceeding *in pro se* and has been granted leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(a). (ECF No. 6.)

While there is no right to counsel in a civil action, a court may under “exceptional circumstances” exercise its discretion and “request an attorney to represent any person unable to afford counsel.” 28 U.S.C. § 1915(e)(1); *Palmer v. Valdez*, 560 F.3d 965, 970 (9th Cir. 2009). The court must consider both “the likelihood of success on the merits as well as the ability of the [Plaintiff] to articulate his claims *pro se* in light of the complexity of the legal issues involved.” *Id.* (quoting *Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir. 1983)).

