



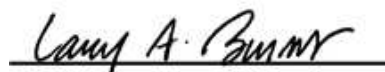
1 exercise diversity jurisdiction over any state law claim he might have. In addition, the claims  
2 are intertwined with state court proceedings, which likely prevents or severely limits the  
3 Court's power to adjudicate them. Because it wasn't completely certain that Blow could not  
4 amend to state a federal claim, the Court gave him leave to amend. But at the same time  
5 it appears unlikely he has any claim that could be heard by this Court. The state court where  
6 his case is being heard may be the appropriate forum to raise his concerns, or he may have  
7 some claim that another state court could adjudicate.

8 The Court may request counsel to represent an indigent litigant in "exceptional  
9 circumstances". *Franklin v. Murphy*, 745 F.2d 1221, 1236 (9<sup>th</sup> Cir. 1984). Exceptional  
10 circumstances require the Court to consider the likelihood of Plaintiff's success on the merits,  
11 and an evaluation of his ability to articulate his claims. See *Terrell v. Brewer*, 935 F.2d 1015,  
12 1017 (9th Cir. 1991). Blow appears to be reasonably able to articulate his claims, at least  
13 at this stage of the litigation. He is able to file intelligible motions, and the Court understands  
14 the general nature of his claims. It appears very unlikely, though, that he will succeed on the  
15 merits, at least in this Court. Both factors weigh against appointing counsel, and the Court  
16 finds that no exceptional circumstances exist at this time that would justify requesting  
17 counsel for Blow.

18 The motion is **DENIED**.

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20 **IT IS SO ORDERED.**

21 DATED: February 3, 2017

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23 **HONORABLE LARRY ALAN BURNS**  
24 United States District Judge

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