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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 JANET PALMER-CARRI,

12 Plaintiff,

13 v.

14 STATE OF CALIFORNIA; STATE
15 GOVT AGENCIES; POLICE OF SAN
16 DIEGO COUNTY; JERRY BROWN,
17 Governor; OFFICE OF ATTORNEY
GENERAL,

18 Defendants.

Case No.: 3:17-cv-02248-GPC-BGS

**ORDER DENYING PLAINTIFF'S
MOTION FOR APPOINTMENT OF
COUNSEL WITHOUT PREJUDICE**

[ECF No. 4]

19
20 On November 3, 2017, Plaintiff filed this action *pro se* against the State of
21 California and its agencies, the Police of San Diego County, Governor Jerry Brown, and
22 the Office of the Attorney General. (ECF No. 1.) Plaintiff has paid the filing fee for this
23 action. (*See id.*) On November 15, Plaintiff filed a motion for appointment of counsel in
24 light of her inability to afford retained counsel. (ECF No. 4.)

25 Generally, a civil plaintiff has no right to appointed counsel. *See Hernandez v.*
26 *Whiting*, 881 F.2d 768, 770-71 (9th Cir. 1989). A district court, however, “may request
27 an attorney to represent any person unable to afford counsel.” 28 U.S.C. § 1915(e)(1).
28 Under the law of this circuit, court appointment of counsel requires a finding of

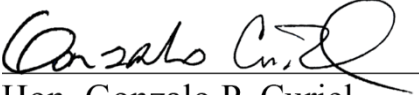
1 “exceptional circumstances.” *Terrell v. Brewer*, 935 F.2d 1015, 1017 (9th Cir. 1991). In
2 order to assess whether such circumstances exist, the Court must evaluate both a
3 petitioner’s (a) likelihood of success on the merits and (b) ability to articulate her claims
4 in light of the complexity of the legal issues involved. *Id.* “Neither of these factors is
5 dispositive and both must be viewed together before reaching a decision.” *Id.* (quoting
6 *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986)). The Ninth Circuit has
7 determined that not every difficulty a *pro se* plaintiff encounters in prosecuting her case
8 is a complexity entitling her to counsel. *Wilborn*, 789 F.2d at 1331 (“If all that was
9 required to establish successfully the complexity of the relevant issues was a
10 demonstration of the need for [the] development of further facts, practically all cases
11 would involve complex legal issues. Thus, although *Wilborn* may have found it difficult
12 to articulate his claims *pro se*, he has neither demonstrated a likelihood of success on the
13 merits nor shown that the complexity of the issues involved was sufficient to require
14 designation of counsel.”)

15 Here, at this time, based on the Complaint, the Court cannot determine whether
16 Plaintiff is likely to succeed on the merits of her claims. In addition, Plaintiff has not
17 made a showing of her inability to articulate the basis of her claims in light of the
18 complexities of the issues involved.

19 Under these circumstances, the Court **DENIES** Plaintiff’s request for appointment
20 of counsel **without prejudice**.

21 **IT IS SO ORDERED.**

22
23 Dated: December 1, 2017

24 
25 Hon. Gonzalo P. Curiel
26 United States District Judge
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