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07 UNITED STATES DISTRICT COURT
08 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

09 LUIS ZELAYA, et al.,)
10 Plaintiffs,) CASE NO. C13-0004-RSL
11 v.) ORDER DENYING MOTION FOR
12 TULALIP TRIBAL POLICE) APPOINTMENT OF COUNSEL
DEPARTMENT, et al.,)
13 Defendants.)
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16 Plaintiffs Luis Zelaya, Amy Zelaya, and Jose Espinoza, proceeding *pro se* in this civil
17 matter, submitted a motion for appointment of counsel. (Dkt. 3.) Having reviewed
18 plaintiffs' motion, along with the remainder of the record, the Court finds and ORDERS as
follows:

19 (1) Pursuant to 28 U.S.C. § 1915(e)(1), this Court has the discretion to appoint
20 counsel for indigent litigants proceeding in forma pauperis (IFP). *United States v.*
21 *\$292,888.04 in U.S. Currency*, 54 F.3d 564, 569 (9th Cir. 1995). The Court may appoint
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01 counsel only on a showing of “exceptional circumstances.” *Id.*; *Wilborn v. Escalderon*, 789
02 F.2d 1328, 1331 (9th Cir. 1986). “A finding of exceptional circumstances requires an
03 evaluation of both the likelihood of success on the merits and the ability of the plaintiff to
04 articulate his claims *pro se* in light of the complexity of the legal issues involved.” *Wilborn*,
05 789 F.2d at 1331. These factors must be viewed together before reaching a decision on a
06 request for counsel under § 1915(e)(1). *Id.*

07 In this case, plaintiffs do not proceed IFP and do not provide any basis for a
08 determination that they are unable to afford counsel. (*See* Dkt. 3.) There is no basis for
09 referral to the Screening Committee of this Court’s pro bono panel given that plaintiffs do not
10 allege any violations of their civil rights; plaintiffs raise allegations of personal injury and
11 property damage relating to a motorcycle accident. (*See* Dkts. 1 & 3.) Finally, the Court
12 finds neither a likelihood of success on the merits, or a showing that, in light of the complexity
13 of the legal issues involved, plaintiffs would be unable to articulate their claims *pro se*.
14 Accordingly, plaintiffs’ motion for appointment of counsel (Dkt. 3) is DENIED.

15 (2) The Clerk shall send a copy of this Order to the parties and to the Honorable
16 Robert S. Lasnik.

17 DATED this 18th day of March, 2013.

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20 Mary Alice Theiler
21 United States Magistrate Judge
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