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6 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
7 AT SEATTLE

8 KEITH ADAIR DAVIS,

9 Plaintiff,

10 v.

11 WILLIAM HAYES, et. al.,

12 Defendant.

CASE NO. C16-1709 RSM-BAT

**ORDER DENYING MOTION TO  
APPOINT COUNSEL**

13 Keith Adair Davis, has filed a second motion to appoint counsel. Dkt. 53. For the  
14 following reasons, the Court **DENIES** the motion **without prejudice**.

15 The Court may appoint counsel for indigent civil litigants only under exceptional  
16 circumstances. At this point, Mr. Davis has not presented exceptional circumstances that would  
17 justify the appointment of counsel. Rather he has demonstrated the ability to litigate his case  
18 vigorously, including seeking review in the Circuit Court of Appeals. Accordingly, the Court  
19 **DENIES** the motion to appoint counsel, Dkt. 53, **without prejudice**. The Clerk shall send a  
20 copy of this Order to Mr. Davis.

21 DATED this 8<sup>th</sup> day of September, 2017.

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BRIAN A. TSUCHIDA  
United States Magistrate Judge

ORDER DENYING MOTION TO APPOINT  
COUNSEL - 1