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

8 MAHAMED A JAMA,

9 Plaintiff,

10 v.

11 CHASE ERIN AND MANAGER,

12 Defendant.

CASE NO. C16-1785-RSL

**ORDER DENYING MOTION TO
APPOINT COUNSEL WITHOUT
PREJUDICE**

13 Mahamed A Jama, proceeding *pro se* and *in forma pauperis*, has filed a motion for
14 appointment of counsel. Dkt. 11. The motion has been referred to the undersigned United States
15 Magistrate Judge. Dkt. 12. For the following reasons, the Court **DENIES** the motion **without**
16 **prejudice**.

17 There is no right to have counsel appointed in civil cases. The Court may appoint
18 counsel for indigent civil litigants under 28 U.S.C. § 1915(e)(1), but should do so only under
19 “exceptional circumstances.” *Agyeman v. Corrections Corp. of Am.*, 390 F.3d 1101, 1103 (9th
20 Cir. 2004). A finding of exceptional circumstances requires an evaluation of both the likelihood
21 of success on the merits and the ability of the plaintiff to articulate his claims *pro se* in light of
22 the complexity of the legal issues involved. *Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir.
23 1983). At this early point, Mr. Jama’s complaint presents insufficient evidence indicating that

1 there is a likelihood of success on the merits. Additionally, Mr. Jama's motion suggests he has
2 made no effort to retain counsel beyond his application before the Court. Dkt. 11. Mr. Jama has
3 therefore not presented exceptional circumstances that would justify the appointment of counsel
4 at this time. Accordingly, Mr. Jama's motion to appoint counsel is **DENIED without prejudice**.
5 Mr. Jama may renew his application in the future if exceptional circumstances arise. Any
6 renewal should include a complete application for court-appointed counsel.

7 The Clerk is directed to send copies of this Order to plaintiff and to the Honorable Robert
8 S. Lasnik.

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10 DATED this 23rd day of February, 2017.

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BRIAN A. TSUCHIDA
United States Magistrate Judge
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