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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JAMES D. GRIEPSMA,

Plaintiff,

v.

CHARLIE WEND, et al.,

Defendants.

CASE NO. C16-1843-JLR-MAT

ORDER DENYING MOTION FOR  
APPOINTMENT OF COUNSEL

Plaintiff, who proceeds *pro se* and *in forma pauperis* (IFP) in this 42 U.S.C. § 1983 case, filed a Motion for Appointment of Counsel. (Dkt. 48.) Defendants oppose plaintiff’s motion. (Dkt. 49.) Now, having considered the motion, the opposition, and the remainder of the record, the Court finds and concludes as follows:

(1) In support of his request for appointment of counsel, plaintiff notes he does not have a law degree and indicates his desire for representation “by someone with adequate experience who understands the Rules of Evidence, Court Rules and Jury Instructions.” (Dkt. 48.) Defendants note plaintiff is no longer in custody, does not show he has made any effort to find an attorney to represent him, and does not assert his claim is factually complex. Defendants maintain

1 plaintiff's complaint "borders on being malicious" and that his claims are subject to dismissal for  
2 a number of reasons, and point to their multiple pending and planned motions for summary  
3 judgment. (Dkt. 49 at 2-3; *see also* Dkts. 15, 38, 50.)

4 There is no right to have counsel appointed in cases brought under § 1983. Although the  
5 Court, under 28 U.S.C. § 1915(e)(1), can request counsel to represent a party proceeding IFP, it  
6 may do so only upon a showing of exceptional circumstances. *Wilborn v. Escalderon*, 789 F.2d  
7 1328, 1331 (9th Cir. 1986). A finding of exceptional circumstances requires an evaluation of both  
8 the likelihood of success on the merits and the ability of the individual to articulate his claims *pro*  
9 *se* in light of the complexity of the legal issues involved. *Id.*

10 In this case, plaintiff has not demonstrated a likelihood of success on the merits or shown  
11 that, in light of the complexity of the legal issues involved, he is unable to articulate his claims *pro*  
12 *se*. Accordingly, plaintiff's request for the appointment of counsel (Dkt. 48) is DENIED.

13 (2) The Clerk is directed to send a copy of this Order to the parties and to the Honorable  
14 James L. Robart.

15 DATED this 17th day of May, 2017.

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19 Mary Alice Theiler  
20 United States Magistrate Judge  
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