

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

LUE QIONG CUI,	)	
	)	CASE NO. C17-00039RSM
Plaintiff,	)	
	)	
v.	)	ORDER DENYING MOTION TO
	)	APPOINT COUNSEL
XIAO BING CHEN, <i>et al.</i> ,	)	
	)	
Defendants.	)	
	)	
	)	
	)	

---

This matter comes before the Court on Plaintiff’s Motion to Appoint Counsel. Dkt. #7. Plaintiff’s Motion fails to indicate a financial need for counsel. Dkt. #7 at 1. The Motion indicates that this case was transferred from other state jurisdictions, however Plaintiff fails to explain previous efforts to retain an attorney. *Id.* at 2. Under “Merits of Claim,” Plaintiff writes simply, “[t]he truth can’t be hide (sic) as required by CBP.” *Id.*

In “exceptional circumstances,” a district court may appoint counsel for indigent civil litigants. 28 U.S.C. § 1915(e)(1); *Rand v. Rowland*, 113 F.3d 1520, 1525 (9th Cir. 1997), *overruled on other grounds*, 154 F.3d 952 (9th Cir. 1998). To decide whether exceptional circumstances exist, the Court must evaluate both “the likelihood of success on the merits [and] the ability of the [plaintiff] to articulate his claims *pro se* in light of the complexity of the legal

1 issues involved.” *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986) (quoting  
2 *Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir. 1983)). A plaintiff must plead facts showing he  
3 has an insufficient grasp of his case or the legal issues involved and an inadequate ability to  
4 articulate the factual basis of his claims. *Agyeman v. Corrections Corp. of America*, 390 F.3d  
5 1101, 1103 (9th Cir. 2004).

6  
7 In this case the Court has insufficient information to determine whether Plaintiff is  
8 capable of preparing his own case or whether there is any likelihood of success on the merits.  
9 Plaintiff’s Motion is devoid of any of the above necessary information. The Court therefore  
10 finds that this case lacks the “exceptional circumstances” necessary to appoint counsel and will  
11 deny Plaintiff’s Motion.

12  
13 Having reviewed the relevant briefing, the declarations and exhibits attached thereto,  
14 and the remainder of the record, the Court hereby finds and ORDERS that Plaintiff’s Motion to  
15 Appoint Counsel (Dkt. #7) is DENIED.

16  
17 DATED this 7<sup>th</sup> day of April, 2017.

18  
19 

20 RICARDO S. MARTINEZ  
21 CHIEF UNITED STATES DISTRICT JUDGE  
22  
23  
24  
25  
26  
27  
28