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

8 MARVIN KRONA,

9 Plaintiff,

10 v.

11 D.O.C., *et al.*,

12 Defendants.

Case No. C17-0404-RAJ-MAT

ORDER DENYING PLAINTIFF'S
MOTION FOR AN ATTORNEY AND
GRANTING PLAINTIFF'S MOTION
FOR A CONTINUANCE

13 This is a civil rights action brought under 42 U.S.C. § 1983. This matter comes before the
14 Court at the present time on plaintiff's motions for an attorney and for a continuance of the deadline
15 to file his amended complaint. The Court, having reviewed plaintiff's motions, and the balance of
16 the record, hereby finds and ORDERS as follows:

17 (1) Plaintiff's motion for an attorney (Dkt. 9) is DENIED. There is no right to have
18 counsel appointed in cases brought under 42 U.S.C. § 1983. Although the Court, under 28 U.S.C.
19 § 1915(e)(1), can request counsel to represent a party proceeding *in forma pauperis*, the Court may
20 do so only in exceptional circumstances. *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir.
21 1986); *Franklin v. Murphy*, 745 F.2d 1221, 1236 (9th Cir. 1984); *Aldabe v. Aldabe*, 616 F.2d 1089
22 (9th Cir. 1980). A finding of exceptional circumstances requires an evaluation of both the
23 likelihood of success on the merits and the ability of the plaintiff to articulate his claims pro se in

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1 light of the complexity of the legal issues involved. *Wilborn*, 789 F.2d at 1331.

2 While the Court has determined that plaintiff's complaint is deficient and must therefore
3 be amended if he wishes to proceed with this action, plaintiff gives no indication that he lacks the
4 ability to articulate his claims *pro se*. As for plaintiff's likelihood of success on the merits of his
5 claims, the record is not yet sufficiently developed for this Court to make such a determination.
6 Based on the information available to the Court at this juncture, this Court must conclude that
7 plaintiff has not demonstrated that his case involves exceptional circumstances which warrant the
8 appointment of counsel.

9 (2) Plaintiff's motion for a continuance of the deadline to file his amended complaint
10 (Dkt. 9) is GRANTED. Plaintiff indicates that he requires additional time to file his amended
11 complaint because the prison law librarian is only available once each week to make copies or to
12 do electronic filing. Plaintiff does not indicate in his motion how much additional time he requires
13 to file his amended pleading, but it appears that under the circumstances noted by plaintiff an
14 additional thirty days should be sufficient. Accordingly, plaintiff is granted a continuance until
15 **July 10, 2017** to file his amended complaint. If plaintiff fails to file an amended complaint by this
16 deadline, the Court will recommend that this action be dismissed.

17 (3) The Clerk is directed to send copies of this Order to plaintiff and to the Honorable
18 Richard A. Jones.

19 DATED this 8th day of June, 2017.

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22 Mary Alice Theiler
23 United States Magistrate Judge