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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DYLAN JAMES DOWNEY,

Plaintiff,

v.

STUART ANDREWS M.D., et al.,

Defendants.

Case No. C17-968-JCC-JPD

ORDER DENYING WITHOUT
PREJUDICE MOTION TO APPOINT
COUNSEL

This is a 42 U.S.C. § 1983 prisoner civil rights action. The Court granted plaintiff's motion to proceed *in forma pauperis* and directed that his complaint be served on defendants. Currently before the Court is plaintiff's motion for appointment of counsel. Dkt. 1-5.

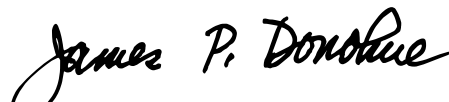
Generally, a person has no right to counsel in a civil action. *See Campbell v. Burt*, 141 F.3d 927, 931 (9th Cir. 1998). In certain "exceptional circumstances," the Court may request the voluntary assistance of counsel for indigent civil litigants under 28 U.S.C. § 1915(e)(1). *Agyeman v. Corrections Corp. of Am.*, 390 F.3d 1101, 1103 (9th Cir. 2004). When determining whether "exceptional circumstances" exist, the Court considers "the likelihood of success on the merits as well as the ability of the [plaintiff] to articulate his claims pro se in light of the complexity of the legal issues involved." *Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir. 1983).

ORDER DENYING WITHOUT
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COUNSEL - 1

1 Based on the allegations in plaintiff's complaint, this case does not appear to involve
2 complex facts or law. Plaintiff appears able to articulate his claims *pro se* in light of the
3 complexity of the legal issues involved, as evidenced by the fact that the Court deemed his
4 complaint serviceable. In addition, at this early stage in the proceedings, plaintiff has not shown
5 that he is likely to prevail on the merits of his claim. Accordingly, the Court cannot make a
6 finding that exceptional circumstances exist. Plaintiff's motion to appoint counsel is DENIED
7 without prejudice to refile after the case is more developed.

8 The Clerk is directed to send copies of this order to the parties and to the Honorable John
9 C. Coughenour.

10 Dated this 11th day of July, 2017.

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13 JAMES P. DONOHUE
14 Chief United States Magistrate Judge
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