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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ALISHA R SILBAUGH,

Plaintiffs,

v.

DEPARTMENT OF HOMELAND  
SECURITY, *et al.*,

Defendants.

Case No. C18-569RSM

ORDER DENYING MOTION TO  
APPOINT COUNSEL

This matter comes before the Court on Plaintiff Alisha R. Silbaugh’s Motion to Appoint Counsel, Dkt. #6. No Defendant has appeared in this matter.

In civil cases, the appointment of counsel to a *pro se* litigant “is a privilege and not a right.” *United States ex. Rel. Gardner v. Madden*, 352 F.2d 792, 793 (9th Cir. 1965) (citation omitted). “Appointment of counsel should be allowed only in exceptional cases.” *Id.* (citing *Weller v. Dickson*, 314 F.2d 598 (9th Cir. 1963)). A court must consider together “both the likelihood of success on the merits and the ability of the petitioner 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). In “exceptional circumstances,” a district court may appoint counsel for indigent

1 civil litigants. 28 U.S.C. § 1915(e)(1); *Rand v. Rowland*, 113 F.3d 1520, 1525 (9th Cir. 1997),  
2 *overruled on other grounds*, 154 F.3d 952 (9th Cir. 1998).

3 Ms. Silbaugh has failed to set forth exceptional circumstances warranting the appointment  
4 of counsel in this case. She has demonstrated sufficient ability to articulate her claims.  
5 Furthermore, the Court is aware that Ms. Silbaugh has counsel in a civil case with at least some  
6 apparent connection to the instant case, Case No. 17-cv-01759, currently proceeding in this Court.  
7 Given all of the above, this Motion will be denied.  
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9 Having considered Plaintiff's Motion and the remainder of the record, this Motion is  
10 DENIED.

11 DATED this 30 day of April 2018.

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15 RICARDO S. MARTINEZ  
16 CHIEF UNITED STATES DISTRICT JUDGE  
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