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4 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
5 AT TACOMA

6 KRIS SAEGER,

7 Plaintiff,

8 v.

9 TAMBRA ZANDER, *et al.*,

10 Defendants.

Case No. C08-5314BHS

ORDER DENYING MOTION TO  
APPOINT COUNSEL

11  
12 The Court, having reviewed Plaintiff's request for appointment of counsel, (Dkt. #45), the  
13 pleadings filed in support and in opposition thereto, and the balance of the record, does hereby find and  
14 ORDER:

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

22 Plaintiff has demonstrated an adequate ability to articulate his claims *pro se*. Moreover, it  
23 appears that this case does not involve exceptional circumstances which warrant appointment of counsel.

24 Accordingly, Plaintiff's Motion to Appoint Counsel is **DENIED**.

25 DATED this 17th day of February, 2009.

26  
27 /s/ J. Kelley Arnold  
J. Kelley Arnold  
United States Magistrate Judge