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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

CHRISTOPHER LEON SMITH,

Plaintiff,

v.

PIERCE COUNTY CORRECTIONS  
FACILITY, *et al.*,

Defendants.

CASE NO. C09-5269FDB

ORDER ON PENDING  
MOTIONS

This Civil Rights Action has been referred to United States Magistrate Judge J. Richard Creatura pursuant to 28 U.S.C. § 636(b)(1)(A) and 636 (b)(1)(B), and Local Magistrate Judge's Rule MJR3 and MJR4. Before the Court are two motions filed by Plaintiff (Dkt. # 15 and 22).

In the first motion Plaintiff asks the court to appoint counsel. There is no right to have counsel appointed in cases brought under 42 U.S.C. § 1983. Although the court can request counsel to represent a party, 28 U.S.C. § 1915(e) (1), the court may do so only in exceptional circumstances. Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th Cir. 1986); Franklin v. Murphy, 745 F.2d 1221, 1236 (9th Cir. 1984); Aldabe v. Aldabe, 616 F.2d 1089 (9th Cir. 1980).

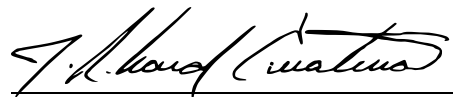
1 A finding of exceptional circumstances requires an evaluation of both the likelihood of success  
2 on the merits and the ability of the plaintiff to articulate his claims *pro se* in light of the  
3 complexity of the legal issues involved. Wilborn, 789 F.2d at 1331.

4 Plaintiff has demonstrated an adequate ability to articulate his claims *pro se* (Dkt # 8).  
5 The Motion is DENIED.

6  
7 In the next motion Plaintiff asks for a thirty-day extension of time to respond to  
8 Defendants' Motion to Dismiss (Dkt. # 22). The Motion for an extension of time is GRANTED.  
9 Defendants' Motion to Dismiss is re-noted for September 25, 2009. Any response Plaintiff may  
10 wish to file must be mailed on or before September 14, 2009. Any reply Defendants may wish to  
11 file must be filed by September 24, 2009.

12 The Clerk's Office is directed to remove Dkt. # 15 and 22 from the Court's calendar and  
13 to re-note Dkt. # 18 for September 25, 2009.

14 DATED this 17<sup>th</sup> day of August, 2009.

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18 J. Richard Creatura  
19 United States Magistrate Judge