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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MICHAEL ALEXANDER FRIEDMANN,

Plaintiff,

v.

STATE OF WASHINGTON, et al.,

Defendants.

Case No. C09-5761 RJB

ORDER DENYING MOTION TO
APPOINT COUNSEL

This matter comes before the court on Plaintiff’s Application for Court Appointed Counsel (Dkt. 1). The court has considered the relevant documents and the remainder of the file herein.

On December 9, 2009, Plaintiff, who is proceeding pro se in this matter, filed a motion, requesting that counsel be appointed to represent him in these proceedings. Dkt. 1. Plaintiff contends that he has contacted approximately 25 different law firms and several attorneys over the past 15 months in order to find representation. *Id.* Plaintiff states that despite his efforts he is unable to find affordable representation. *Id.*

Under 28 U.S.C. § 1915(e)(1), the court may request an attorney to represent any person unable to afford counsel. Under Section 1915, the court may appoint counsel in exceptional circumstances. *Franklin v. Murphy*, 745 F.2d 1221, 1236 (9th Cir. 1984). To find exceptional circumstances, the court must evaluate the likelihood of success on the merits and the ability of the petitioner to articulate the claims

1 *pro se* in light of the complexity of the legal issues involved. *Weygandt v. Look*, 718 F.2d 952, 954 (9th
2 Cir. 1983).

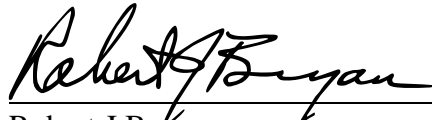
3 In this case, Plaintiff appears to be relatively articulate in raising issues, stating his claims, and
4 explaining his position. Since Plaintiff is able to articulate a claim, exceptional circumstances do not exist,
5 and the Plaintiff's motion for appointment of counsel should be denied. If the court later determines
6 exceptional circumstances exist to warrant appointment of counsel, it shall so order if Plaintiff qualifies.

7 Therefore, it is hereby

8 **ORDERED** that Plaintiff's Application for Court Appointed Counsel (Dkt. 1) is **DENIED**.

9 The Clerk is directed to send uncertified copies of this Order to all counsel of record and to any
10 party appearing *pro se* at said party's last known address.

11 DATED this 28th day of December, 2009.

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15 Robert J Bryan
16 United States District Judge
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