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10 UNITED STATES DISTRICT COURT
11 WESTERN DISTRICT OF WASHINGTON
12 AT TACOMA

13 RICHARD G. TURAY,

14 Plaintiff,

15 v.

16 WASHINGTON STATE DEPARTMENT
17 OF SOCIAL HEALTH SERVICES, et al.,

18 Defendants.

CASE NO. C10-5533RJB/JRC

ORDER DENYING PLAINTIFF'S
MOTION FOR APPOINTMENT
OF COUNSEL

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20 This 42 U.S.C. § 1983 Civil Rights action has been referred to the undersigned
21 Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and(B) and Local Magistrate
22 Judges' Rules MJR 1, MJR 3, and MJR 4. The matter is before the court on plaintiff's proposed
23 motion for appointment of counsel (DKT # 1) and plaintiff's motion for appointment of counsel
24 (DKT #6).

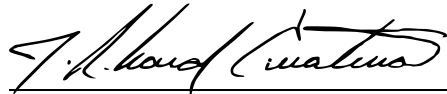
25 There is no right to have counsel appointed in cases brought under 42 U.S.C. § 1983.
26 Although the court can request counsel to represent a party, 28 U.S.C. § 1915(e) (1), the court

1 may do so only in exceptional circumstances. Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th
2 Cir. 1986); Franklin v. Murphy, 745 F.2d 1221, 1236 (9th Cir. 1984); Aldabe v. Aldabe, 616
3 F.2d 1089 (9th Cir. 1980). A finding of exceptional circumstances requires an evaluation of both
4 the likelihood of success on the merits and the ability of the plaintiff to articulate his claims *pro*
5 *se* in light of the complexity of the legal issues involved. Wilborn, 789 F.2d at 1331.
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7 Plaintiff has demonstrated an adequate ability to articulate his claims *pro se*. Contrary to
8 his assertions, the case is not complex and involves the single issue of whether Mr. Turay should
9 be allowed to wear dark sun glasses for an alleged medical condition. Plaintiff has not made an
10 argument regarding the likelihood of success on the merits.

11 The motion for appointment of counsel is **DENIED**

12 DATED this 23rd day of August, 2010.

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15 J. Richard Creatura
16 United States Magistrate Judge
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