

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

ANDRES HERNANDEZ-VARGAS,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

No. 11-CV-5957 RBL

ORDER

[Dkts. #8, 9, 15]

Petitioner, seeking habeas relief under 28 U.S.C. § 2255, requests copies of transcripts of his trial and hearings from the clerk without making payment and moves for appointment of counsel. Upon review, the Court must deny the motions.

**MOTION FOR TRANSCRIPTS**

Petitioner requests an “informal loan of Court documents,” relating to certain hearings and days of trial. Pet.’s Mot. at 1 (Dkt. #8). These documents are available through the Clerk’s office for a fee. Petitioner has not shown grounds to avoid the usual costs of copying.

**MOTION FOR APPOINTMENT OF COUNSEL**

No constitutional right to counsel exists for an indigent plaintiff in a civil case unless the plaintiff may lose his physical liberty if he loses the litigation. *See Lassiter v. Dept. of Social Servs.*, 452 U.S. 18, 25 (1981). However, pursuant to 28 U.S.C. § 1915(e)(1), the Court has the discretion to appoint counsel for indigent litigants who are proceeding IFP. *United States v. \$292,888.04 in U.S. Currency*, 54 F.3d 564, 569 (9th Cir. 1995). The Court will appoint counsel only under “exceptional circumstances.” *Id.*; *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th

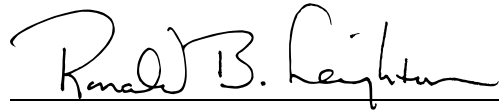
1 Cir. 1986). “A finding of exceptional circumstances requires an evaluation of both the likelihood  
2 of success on the merits and the ability of the plaintiff to articulate his claims *pro se* in light of  
3 the complexity of the legal issues involved.” *Wilborn*, 789 F.2d at 1331 (internal quotations  
4 omitted). These factors must be viewed together before reaching a decision on whether to  
5 appoint counsel under § 1915(e)(1). *Id.*

6 Here, Petitioner has thus far adequately explained the grounds for his claims, which do  
7 not appear sufficiently strong or complex to warrant counsel.

8 **CONCLUSION**

9 For the reasons stated above, the Court **DENIES** the motions for transcripts (Dkt. #8) and  
10 the motion to appoint counsel (Dkt. #9). In light of these findings, Petitioner’s motion to compel  
11 is **DENIED** as moot (Dkt. #15).

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14 Dated this 16<sup>th</sup> day of May 2012.

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17 Ronald B. Leighton  
18 United States District Judge  
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