

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

TAMARA TRICIA ROBERSON,

Plaintiff,

v.

TACOMA COMMUNITY COLLEGE,

Defendant.

CASE NO. C13-5298 RBL

ORDER

THIS MATTER is before the Court on Plaintiff's Motion for Appointment of Counsel [Dkt. #2].

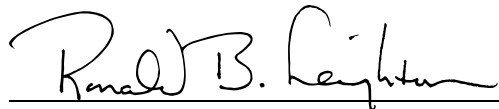
There is no right to have counsel appointed in civil cases. *Storseth v. Spellman*, 654 F.2d 1349, 1353 (9th Cir. 1981). A district court has discretion to designate counsel to represent an indigent civil litigant. 28 U.S.C. § 1915(e); *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986). Counsel may only be appointed under 28 U.S.C. § 1915(e)(1) (formerly 28 U.S.C. § 1915(d)) in "exceptional circumstances." *Wilborn*, 789 F.2d at 1331, quoting *Weller v. Dickson*, 314 F.2d 598, 600 (9th Cir.), *cert. denied*, 375 U.S. 845, 84 S. Ct. 97 (1963); *Rand v. Roland*, 113 F.3d 1520, 1525 (9th Cir. 1997), overruled on other grounds, 154 F.3d 952 (9th Cir. 1998); *see also United States v. Madden*, 352 F.2d 792, 794 (9th Cir. 1965). "A finding of exceptional circumstances requires an evaluation of both the likelihood of success on the merits [and] the ability of the petitioner to

1 articulate his claims *pro se* in light of the complexity of the legal issues involved.” *Wilborn*, 789  
2 F.2d at 1331, quoting *Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir. 1983). Neither of the above-  
3 cited “factors is dispositive, and both must be viewed together before reaching a decision.” *Terrell v.*  
4 *Brewer*, 935 F.2d 1015, 1017 (9th Cir. 1991) (quoting *Wilborn*, 789 F.2d at 1331).

5 Plaintiff has not met her burden of demonstrating the exceptional circumstances required for  
6 appointment of counsel, and her Motion is DENIED.

7 IT IS SO ORDERED.

8 Dated this 25<sup>th</sup> day of April, 2013.

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11 RONALD B. LEIGHTON  
12 UNITED STATES DISTRICT JUDGE  
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