

1 HONORABLE RONALD B. LEIGHTON
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 DEANGELO A GREEN,

11 Plaintiff,

12 v.

13 MARGARET GILBERT, et al.,

14 Defendants.

CASE NO. C17-5898 RBL-DWC

ORDER

15 THIS MATTER is before the Court on Plaintiff Green’s “Motion for Objection” [Dkt. #
16 44] to the Magistrate Judge’s Order [Dkt. # 37] Denying his Motion for appointment of counsel
[Dkt. # 22].

17 No constitutional right to counsel exists for an indigent plaintiff in a civil case unless the
18 plaintiff may lose his physical liberty if he loses the litigation. *See Lassiter v. Dept. of Social*
19 *Servs.*, 452 U.S. 18, 25 (1981). However, pursuant to 28 U.S.C. § 1915(e)(1), the Court has the
20 discretion to appoint counsel for indigent litigants who are proceeding IFP. *United States v.*
21 *\$292,888.04 in U.S. Currency*, 54 F.3d 564, 569 (9th Cir. 1995).

22 The Court will appoint counsel only under “exceptional circumstances.” *Id.*; *Wilborn v.*
23 *Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986). “A finding of exceptional circumstances

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

5 Green has not shown the required exceptional circumstances. The Magistrate Judge’s
6 Order is not clearly erroneous or contrary to law, and it is AFFIRMED. *See* Rule 72 (a).

7 The Motion is DENIED.

8 IT IS SO ORDERED.

9 Dated this 15th day of May, 2018.

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11 Ronald B. Leighton

12 Ronald B. Leighton
13 United States District Judge