

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

RALPH HOWARD BLAKELY,

Plaintiff,

v.

GREGORY JONES, et al,

Defendant.

CASE NO. 3:18-cv-05021-RBL-TFL

ORDER DENYING OBJECTIONS TO  
MAGISTRATE JUDGE'S ORDER

THIS MATTER is before the Court on Petitioner Ralph Howard Blakely's timely objection to Magistrate Judge Theresa L. Fricke's order denying plaintiff's motion for appointment of counsel. Dkt. #89. The underlying complaint alleges claims for outrage and violation of due process based on the seizure of Blakely's legal documents. Dkt. #1.

On non-dispositive orders issued by a magistrate judge, a "district judge must consider timely objections and modify or set aside any part of the order that is contrary to law or clearly erroneous." Fed. R. Civ. P. 59(a). "Generally, a person has no right to counsel in civil actions," but "a court may under 'exceptional circumstances' appoint counsel for indigent civil litigants pursuant to 28 U.S.C. § 1915(e)(1)." *Palmer v. Valdez*, 560 F.3d 965, 970 (9th Cir. 2009). The court should consider both the litigant's likelihood of success on the merits and their ability to

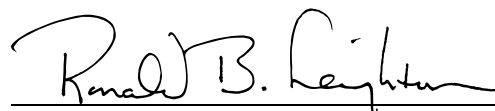
1 articulate their own legal claims in light of their complexity. *Id.* “Neither of these considerations  
2 is dispositive and instead must be viewed together.” *Id.*

3 Here, the Magistrate Judge denied Blakely’s motion on the basis that his claims are not  
4 terribly complex, he has not proven himself incapable of articulating his own arguments, and he  
5 has not shown a likelihood of success on the merits. Dkt. #86, at 2. In his objections, Blakely  
6 largely reiterates his prior arguments about being physically incapacitated and out-matched by  
7 the attorney general’s office. Dkt. #89. He also insists that he is being wrongly incarcerated and  
8 denied medical services. *Id.* However, none of these allegations are sufficient to show that the  
9 Magistrate Judge’s conclusions were contrary to law or clearly erroneous. *See* Fed. R. Civ. P.  
10 59(a).

11 The Court will not overrule or otherwise alter the Magistrate Judge’s decision on the  
12 strength of Petitioner’s filing. The Motion is DENIED.

13 IT IS SO ORDERED.

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15 Dated this 14<sup>th</sup> day of May, 2019.

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18 Ronald B. Leighton  
19 United States District Judge  
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