

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 DENGÉ LEMO GAHANO,

11 Plaintiff,

12 v.

13 STEPHEN LANGFORD, et al.,

14 Defendants.

CASE NO. C20-5451 MJP-MLP

ORDER REASSIGNING
MAGISTRATE JUDGE AND
APPOINTING COUNSEL

15
16 The Court sua sponte refers this matter to Magistrate Judge Michelle L. Peterson for all
17 further proceedings. The Court does so to conserve judicial resources given that Magistrate
18 Judge Peterson is already assigned to another matter that Plaintiff Gahano pursues (C20-1094-
19 MJP-MLP). All future documents shall bear the case number C20-5451-MJP-MLP.

20 The Court also reconsiders sua sponte Plaintiff's Motion to Appoint Counsel, which was
21 previously denied without prejudice. (Dkt. No. 24.)

22 "In proceedings in forma pauperis, the district court 'may request an attorney to represent
23 any person unable to afford counsel'"—a decision within the Court's sound discretion. Agyeman

1 v. Corr. Corp. of Am., 390 F.3d 1101, 1103 (9th Cir. 2004) (quoting 28 U.S.C. § 1915(e)(1)). In
2 considering a motion to appoint counsel, the Court must evaluate both “the likelihood of success
3 on the merits [and] the ability of the [plaintiff] to articulate his claims pro se in light of the
4 complexity of the legal issues involved.” Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th Cir.
5 1986) (quoting Weygandt v. Look, 718 F.2d 952, 954 (9th Cir. 1983)).

6 The Court finds that appointing counsel is appropriate at this stage of the proceedings.
7 The Court previously denied Plaintiff’s motion to appoint counsel, finding that Plaintiff could
8 articulate his claims pro se, that the first amended complaint’s allegations were not complex, and
9 that there was not a likelihood of success on the merits. (Dkt. No. 24.) Plaintiff has now filed a
10 Second Amended Complaint, which raises more complex issues of law and fact, and which could
11 also implicate issues in Plaintiff’s pending § 2241 habeas case (C20-1094 MJP-MLP) in which
12 Plaintiff also seeks appointment of counsel. A review of the Second Amended Complaint
13 suggests that there is some likelihood of success on the merits. And the Court finds that
14 appointed counsel would considerably assist in the efficient prosecution of this matter. The Court
15 therefore GRANTS Plaintiff’s motion (Dkt. No. 8) and refers this matter to Pro Bono Panel to
16 represent Plaintiff. After that, the Court will issue an order appointing an attorney, should one be
17 identified.

18 The clerk is ordered to provide copies of this order to all counsel.

19 Dated January 6, 2021.

20 

21 Marsha J. Pechman
22 United States District Judge
23
24