

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

ANDREA OLSON,

Plaintiff,

v.

MBO PARTNERS, INC.,

Defendant.

Case No. 3:15-cv-2216-SI

ORDER

Michael H. Simon, District Judge.

Before this court is Plaintiff's motion for appointment of counsel. ECF 24. For the reasons set forth below, Plaintiff's motion is DENIED.

Generally, there is no constitutional right to counsel in a civil case. *United States v. 30.64 Acres of Land*, 795 F.2d 796, 801 (9th Cir. 1986). The Court has discretion, however, under 28 U.S.C. § 1915(e) to appoint volunteer counsel for *indigent* civil litigants in exceptional circumstances. *Palmer v. Valdez*, 560 F.3d 965, 970 (9th Cir. 2009); *Agyeman v. Corr. Corp. of Am.*, 390 F.3d 1101, 1103 (9th Cir. 2004). While this court may appoint volunteer counsel in exceptional cases, it has no power to make a mandatory appointment. *Mallard v. U.S. Dist. Court for S. Dist. of Iowa*, 490 U.S. 296, 301-08 (1989).

In determining whether exceptional circumstances exist, a court evaluates the plaintiff's likelihood of success on the merits and the ability of the plaintiff to articulate his or her claim *pro se* in light of the complexity of the legal issues involved. *Palmer*, 560 F.3d at 970; *Agyeman*, 390 F.3d at 1103. However, "[n]either of these factors is dispositive and both must be viewed together before reaching a decision on request of counsel under [former] section 1915(d)." *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986); *Terrell v. Brewer*, 935 F.2d 1015, 1017 (9th Cir. 1991).

Plaintiff has not requested *in forma pauperis* status and she paid the filing fee when she filed this case. Further, Plaintiff has not provided the Court with financial information sufficient for the Court to determine that she meets the requirements of an *indigent* party such that the limited exception in 28 U.S.C. § 1915(e) might apply. Even assuming, however, that Plaintiff can demonstrate that she is indigent, her motion is denied. The facts and legal issues involved in this case are not of substantial complexity and there is no indication that Plaintiff does not have the ability to sufficiently articulate her claims. Additionally, at this stage of the proceeding, Plaintiff has yet to demonstrate a likelihood of success on the merits. Accordingly, there are no exceptional circumstances that support the appointment of counsel under § 1915(e)

CONCLUSION

Plaintiff's motion for appointment of counsel (ECF 24) is DENIED.

IT IS SO ORDERED.

DATED this 5th day of July, 2016.

/s/ Michael H. Simon
Michael H. Simon
United States District Judge