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

Dexter J. Hillman,

Petitioner,

vs.

Dora B. Schriro, et al.

Respondents.

No. CV-07-2155-PHX-DGC

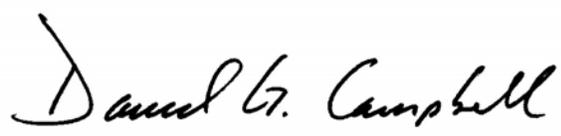
ORDER

Petitioner filed a notice of appeal to the Ninth Circuit from the order dismissing this action and the entry of final judgment. Dkt. ##28-29, 31. Petitioner requests the appointment of counsel pursuant to Circuit Rule 4-1(b). Dkt. #33. The Court will deny the motion.

Circuit Rule 4-1(b) permits the appointment of counsel in criminal appeals and therefore does not apply to this civil action. Moreover, Petitioner has not made a substantial showing of the denial of a constitutional right, and the ruling that his petition for writ of habeas corpus is procedurally barred is not reasonably debatable. See Dkt. #34; see also *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986) (district courts have discretion to appoint counsel in civil cases only in “exceptional circumstances”).

IT IS ORDERED that Petitioner’s motion to appoint counsel (Dkt. #33) is **denied**.

DATED this 8th day of January, 2009.



David G. Campbell
United States District Judge