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APR 22 2008	
CLERK U S DISTRICT COURT DISTRICT OF ARIZONA	
BY _____	M DEPUTY

1 Timothy Lee Ward, 148256
 2 Arizona State Prison Complex- Florence
 Post Office Box 8400
 3 Florence, Arizona 85232-8400
 Plaintiff Pro-Per

4
 5 IN THE UNITED STATES DISTRICT COURT
 6 FOR THE DISTRICT OF ARIZONA

8 Timothy Lee Ward,)	Case No.: CIV-03-2159-PHX-ROS (JRI)
)	
9 Plaintiff,)	
)	Motion for Appointment of Counsel
10 vs.)	
)	
11 Sgt. Carr, et. al.,)	
)	
12 Defendant)	

13 Comes now, the Plaintiff, Timothy Lee Ward, pro-per, pursuant to 28
 14 U.S.C. 1915 (E)(1) and moves this Honorable Court for Appointment of Counsel
 15 to represent him in the above-entitled case. In support of this motion
 16 Plaintiff states:

17 1) Plaintiff is unable to afford counsel. He has requested and been
 18 granted leave to proceed In Forma Pauperis.

19 2) Plaintiff's incarceration is greatly limiting his ability to
 20 litigate his case. The issues present in this Court are complex, and will
 21 require significant research and investigation. Plaintiff has no access to
 22 case law through DOC, pursuant to D.O. 902.

23 3) On April 15, 2008, the Defendants filed a Motion for Summary
 24 Judgment, and filed several documents under seal to the Court. The Plaintiff
 25 had no idea as to the content of these documents, and the Attorney Generals

1 office states it is illegal for the Plaintiff to have access to these
2 documents. This will greatly limit the Plaintiff's ability to properly
3 defend against the Defendants Motion for Summary Judgment.

4 4) The Defendants cited several cases in their Motion for Summary
5 Judgment. The Plaintiff has absolutely no access to caselaw. This further
6 expounds on the difficulties presented to the Plaintiff when filing an
7 opposition to the Defendants Motion for Summary Judgment.

8 5) Summary Judgment Opposition Motions require a high level of skill and
9 access to caselaw and pertinent documents. Plaintiff is Pro-Per and does not
10 have the level of skill required in order to oppose the Defendants Motion for
11 Summary Judgment, without access to these documents and caselaw. Plaintiff
12 cannot guess what is contained within the sealed documents.

13 Wherefore, the Plaintiff, requests this Honorable Court appoint Counsel
14 to represent him in this case. If the Court does not agree that Plaintiff
15 has met the "Exceptional Circumstances" as required by 28 U.S.C. 1915, then
16 he requests this Honorable Court appoint Counsel in the limited capacity to
17 view the sealed documents, research caselaw and provide assistance to the
18 Plaintiff for his Opposition to Defendants Motion for Summary Judgment.

19 Respectfully Submitted this 21ST day of April, 2008

20 

21 Timothy Lee Ward
22 Plaintiff Pro-Per
23
24
25

1 Copies of the foregoing mailed this 21ST day of April, 2008, to:

2 Office of the Clerk
3 United States District Court
4 District Of Arizona
5 401 West Washington Street
6 Phoenix, Arizona 85003-2118

7 Ms. Michele Forney, Attorney
8 Office of the Attorney General
9 1275 West Washington
10 Phoenix, Arizona 85007-2997
11 Attorneys for Defendants
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