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WO 1 2 3 4 5 IN THE UNITED STATES DISTRICT COURT 6 7 FOR THE DISTRICT OF ARIZONA 8 9 David Joseph Lopez, No. CV-06-2837-PCT-FJM (LOA) Plaintiff, **ORDER** 10 11 VS. Tom Sheahan, et al., 12 Defendants. 13 14 This matter arises on Plaintiff's Motion for the Appointment of Counsel. (docket 15 #24) There is no constitutional right to appointment of counsel in a civil case. Johnson v. U.S. 16 Dep't of Treasury, 939 F.2d 820, 824 (9th Cir. 1991). Appointment of counsel in a civil rights 17 case is required only when exceptional circumstances are present. Terrell v. Brewer, 935 F.2d 18 1015, 1017 (9th Cir. 1991) (citing Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th Cir. 1986)). 19 In determining whether to appoint counsel, the court should consider the likelihood of success 20 21 on the merits, and the ability of plaintiff to articulate his claims in view of their complexity. Wood v. Housewright, 900 F.2d 1332, 1335 (9th Cir. 1990). 22 In support of his motion, Plaintiff claims that he lacks legal knowledge, has 23 24 inadequate access to legal materials and needs assistance in discovery. Plaintiff has not

demonstrated a likelihood of success on the merits, nor has he shown that he is experiencing

difficulty in litigating this case because of the complexity of the issues involved. The Court

will deny Plaintiff's motion to appoint counsel because no exceptional circumstances exist in

this case. The Court may revisit this issue if it deems the appointment of counsel necessary to assist Plaintiff during trial. Accordingly, IT IS HEREBY ORDERED that Plaintiff's Motion for Appointment of Counsel (docket # 24) is **DENIED** without prejudice. DATED this 3rd day of July, 2007. Lawrence O. Anderson United States Magistrate Judge