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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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Jeremy Joseph Kent,

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No. CV-09-1616-PHX-LOA

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Plaintiff,

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ORDER

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vs.

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D. O. Cummings, et al.,

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Defendants.

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This matter arises on Plaintiff’s Motion for the Appointment of Counsel. (docket #

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66) There is no constitutional right to appointment of counsel in a civil case. *Johnson v. U.S.*

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Dep't of Treasury, 939 F.2d 820, 824 (9th Cir. 1991). Appointment of counsel in a civil rights

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case is required only when exceptional circumstances are present. *Terrell v. Brewer*, 935 F.2d

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1015, 1017 (9th Cir. 1991) (citing *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986)).

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In determining whether to appoint counsel, the court should consider the likelihood of success

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on the merits, and the ability of plaintiff to articulate his claims in view of their complexity.

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Wood v. Housewright, 900 F.2d 1332, 1335 (9th Cir. 1990).

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In support of his motion, Plaintiff claims that he has inadequate access to legal

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materials and needs assistance in discovery. Plaintiff has not, however, demonstrated a

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likelihood of success on the merits, nor has he shown that he is experiencing difficulty in

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litigating this case because of the complexity of the issues involved. The Court will deny

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Plaintiff’s motion to appoint counsel because no exceptional circumstances exist in this case.

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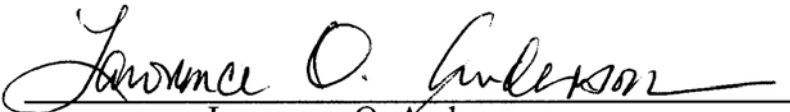
1 The Court may revisit this issue if it deems the appointment of counsel necessary to assist
2 Plaintiff during trial.

3 Accordingly,

4 **IT IS HEREBY ORDERED** that Plaintiff's Motion for Appointment of Counsel
5 (docket # 66) is **DENIED** without prejudice.

6 DATED this 24th day of June, 2010.

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Lawrence O. Anderson
United States Magistrate Judge