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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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Carlos Paul Montoya,

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Plaintiff,

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vs.

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R. Dear, et al.,

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Defendants.

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) No. CIV 10-0193-PHX-RCB (DKD)

) **ORDER**

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This matter arises on Plaintiff’s Motion for the Appointment of Counsel (Doc.#7).

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Plaintiff requests that the court appoint counsel because he lacks legal training, cannot afford

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counsel, and because the issues in this matter are complex. (*Id.*)

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There is no constitutional right to appointment of counsel in a civil case. *See Johnson*

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v. 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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Plaintiff has not demonstrated a likelihood of success on the merits, nor has he shown

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that he is experiencing difficulty in litigating this case because of the complexity of the issues

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involved. Moreover, Plaintiff’s previous filings with the Court as well as the pending motion,

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indicate that Plaintiff is capable of presenting legal and factual arguments to the Court. After

1 reviewing the file, the Court determines that this case does not present exceptional
2 circumstances requiring the appointment of counsel.

3 Accordingly,

4 **IT IS HEREBY ORDERED** that Plaintiff's Motion for the Appointment of Counsel
5 (Doc. #7) is **DENIED** without prejudice.

6 DATED this 24th day of March, 2010.

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10 David K. Duncan
11 United States Magistrate Judge

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