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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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Sheldon Walker,

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No. CV-10-1408-PHX-JWS (LOA)

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Plaintiff,

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ORDER

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vs.

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Charles L. Ryan, et al.,

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Defendants.

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This matter arises on Plaintiff’s Motion for the Appointment of Counsel, doc. 139.

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Plaintiff, in essence, alleges that he is in need of counsel to assist him with his discovery

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requests on his 42 U.S.C. § 1983 case.

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

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v. U.S. Dep’t. of Treasury, 939 F.2d 820, 824 (9th Cir. 1991). Title 28 U.S.C. § 1915(e)(1),

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however, provides that “[t]he court may request an attorney to represent any person unable

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to afford counsel.” Although the subject statute gives the trial court broad discretion

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whether the appointment of counsel is warranted, the Ninth Circuit has limited the exercise

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of that power to exceptional circumstances. *See Terrell v. Brewer*, 935 F.2d 1015, 1017 (9th

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

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determining whether to appoint counsel, the court must evaluate both the likelihood of

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success on the merits, and the ability of the plaintiff to articulate his or her claims claims,

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pro se, in view of their complexity. *Wood v. Housewright*, 900 F.2d 1332, 1335 (9th Cir.

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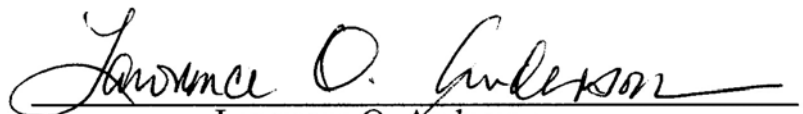
1990).

1 At this point, Plaintiff has not demonstrated a likelihood of success on the merits, nor
2 has he shown that he is experiencing difficulty in litigating this case because of the
3 complexity of the issues involved. Nor has Plaintiff shown that he has had difficulty in
4 articulating his case or position as shown by this most recent motion and the two years of
5 litigation since he commenced this matter. The Court will deny Plaintiff's motion to appoint
6 counsel because no exceptional circumstances exist in this case. The Court may revisit this
7 issue, if appropriate, at a later date.

8 Accordingly,

9 **IT IS ORDERED** that Plaintiff's Motion for Appointment of Counsel, doc. 139,
10 is **DENIED** without prejudice.

11 DATED this 9th of July, 2012.

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14 Lawrence O. Anderson
15 United States Magistrate Judge
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