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2 NOT FOR PUBLICATION

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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**

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9	Joao Cornelio,	)	No. CV-10-2023-PHX-GMS
10	Plaintiff,	)	
11	vs.	)	<b>ORDER</b>
12	Alfa Wasserman Diagnostic Technologies)	)	
13	LLC, also named as Alfa Wasserman,	)	
14	Defendant.	)	
15	_____	)	

16 Pending before the Court is Plaintiff’s Motion to Appoint Pro Bono Counsel (Doc.  
17 19). The Court will deny the motion for the following reasons.

18 There is no constitutional right to appointed counsel in a civil case. *See Ivey v. Bd.*  
19 *of Regents of Univ. of Alaska*, 673 F.2d 266, 269 (9th Cir. 1982). The Court, however, does  
20 have the discretion to appoint counsel in “exceptional circumstances.” *See* 28 U.S.C.  
21 § 1915(e)(1); *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986); *Aldabe v. Aldabe*,  
22 616 F.2d 1089, 1093 (9th Cir. 1980). “A finding of exceptional circumstances requires an  
23 evaluation of both ‘the likelihood of success on the merits and the ability of the petitioner to  
24 articulate his or her claim *pro se* in light of the complexity of the legal issues involved.’”  
25 *Wilborn*, 789 F.2d at 1331(quoting *Weygant v. Look*, 718 F.2d 952, 954 (9th Cir. 1983)); *see*  
26 *Richards v. Harper*, 864 F.2d 85, 87 (9th Cir. 1988). “Neither of these factors is dispositive  
27 and both must be viewed together before reaching a decision on request of counsel” under  
28 section 1915(e)(1). *Wilborn*, 789 F.2d at 1331.

