

1 **WO**

2

3

4

5

6

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

7

8

9

Keone Labatad,

)

No. CIV 10-2619-PHX-ROS (DKD)

10

Plaintiff,

)

11

vs.

)

ORDER

12

Corrections Corporation of America, et al.,

)

13

Defendants.

)

14

15

This matter arises on Plaintiff’s Motion for the Appointment of Counsel (Doc. 23).

16

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

17

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

18

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

19

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

20

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

21

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

22

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

23

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

24

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

25

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

26

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

27

involved. After reviewing the file, the Court determines that this case does not present

28

exceptional circumstances requiring the appointment of counsel. Accordingly,

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IT IS HEREBY ORDERED that Plaintiff's Motion for the Appointment of Counsel (Doc. 23) is **DENIED** without prejudice.

DATED this 3rd day of March, 2011.



David K. Duncan
United States Magistrate Judge