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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

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Brian Henry Greene,

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No. CIV 11-0206-PHX-NVW (DKD)

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Plaintiff,

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vs.

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ORDER

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Redentor Espiritu, et al.,

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Defendants.

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Pending before the Court is Plaintiff's Motion to Request Legal Counsel (Doc. 16).

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Plaintiff requests that the court appoint counsel because he is being medicated through the

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mental health services and does not understand the legal issues in this matter. Plaintiff further

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states that he has relied on his cell mate at times to prepare his paperwork and that his cell mate

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could be transferred leaving him without any assists. Defendants oppose Plaintiff's request

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(Doc. 19).

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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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1 Plaintiff has not demonstrated a likelihood of success on the merits, nor has he shown
2 that he is experiencing difficulty in litigating this case because of the complexity of the issues
3 involved. Moreover, Plaintiff's numerous filings with the Court as well as the pending motion,
4 indicate that Plaintiff is capable of presenting legal and factual arguments to the Court. After
5 reviewing the file, the Court determines that this case does not present exceptional
6 circumstances requiring the appointment of counsel.

7 Accordingly,

8 **IT IS HEREBY ORDERED** that Plaintiff's Motion to Request Legal Counsel (Doc.
9 16) is **DENIED** without prejudice.

10 DATED this 20th day of September, 2011.

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14 David K. Duncan
15 United States Magistrate Judge
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