

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

**WO**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Dythanyl Mushatt,	)	No. CIV 11-0951-PHX-JWS (DKD)
	)	
Plaintiff,	)	
	)	
vs.	)	<b>ORDER</b>
	)	
Charles L. Ryan, et al.,	)	
	)	
Defendants.	)	
	)	

This matter arises on Plaintiff’s Motion for the Appointment of Counsel (Doc.7). Plaintiff requests that the court appoint counsel because he lacks legal training, cannot afford counsel, and because the issues in this matter are complex. (*Id.*)

There is no constitutional right to appointment of counsel in a civil case. *See Johnson v. Dep’t of Treasury*, 939 F.2d 820, 824 (9<sup>th</sup> Cir. 1991). Appointment of counsel in a civil rights case is required only when exceptional circumstances are present. *Terrell v. Brewer*, 935 F.2d 1015, 1017 (9<sup>th</sup> Cir. 1991) (citing *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9<sup>th</sup> Cir. 1986)). In determining whether to appoint counsel, the court should consider the likelihood of success on the merits, and the ability of plaintiff to articulate his claims in view of their complexity. *Wood v. Housewright*, 900 F.2d 1332, 1335 (9<sup>th</sup> Cir. 1990).

Plaintiff has not demonstrated a likelihood of success on the merits, nor has he shown that he is experiencing difficulty in litigating this case because of the complexity of the issues involved. Moreover, Plaintiff has shown that he is capable of presenting legal and factual

1 arguments to the Court. After reviewing the file, the Court determines that this case does not  
2 present exceptional 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 23<sup>rd</sup> day of June, 2011.

7  
8 

9 \_\_\_\_\_  
10 David K. Duncan  
11 United States Magistrate Judge

12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28