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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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Larry Charles Snow, Jr.,

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No. CV-11-1023-PHX-GMS

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Petitioner,

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**ORDER**

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vs.

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Charles Ryan, Director of the Arizona  
Department of Corrections, et al.,

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Defendants.

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Pending before the Court is Petitioner’s Motion to Appoint Counsel and Reset Case Schedule (Doc. 19).

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

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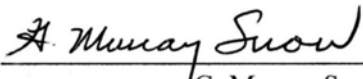
1 section 1915(e)(1). *Wilborn*, 789 F.2d at 1331.

2 Having considered both factors, the Court finds that Plaintiff has not demonstrated a  
3 likelihood of success on the merits or that any difficulty he is experiencing in attempting to  
4 litigate his case is due to the complexity of the issues involved. While Plaintiff has pointed  
5 to **[research]** difficulties that he is experiencing, such difficulties do not make his case  
6 exceptional. Accordingly, at the present time, this case does not present “exceptional  
7 circumstances” requiring the appointment of counsel.

8 Petitioner previously requested an extension of time in which to file his objection to  
9 the R & R and the Court granted the request (Doc. 18). The objection is due on December  
10 16, 2011 and no further extensions will be granted.

11 **IT IS HEREBY ORDERED** denying the Motion.

12 DATED this 2nd day of December, 2011.

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16 G. Murray Snow  
17 United States District Judge  
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