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

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Boy White,

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No. CV 11-2126-PHX-GMS

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Petitioner,

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ORDER

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vs.

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Director Charles Ryan, et al.,

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Respondents.

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Pending before the Court is Petitioner’s Response to Order (Doc. 25) requesting additional time to file an objection to the R&R and request for appointment of counsel. The Court will treat the Response as a Motion to Extend and Motion for Appointment of Counsel.

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

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

7 **IT IS ORDERED** granting Petitioner’s request for additional time to file a response
8 to the R&R, to and including, **March 19, 2012**.

9 **IT IS FURTHER ORDERED** denying Petitioner’s request for appointment of
10 counsel.

11 DATED this 5th day of March, 2012.

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14 _____
15 G. Murray Snow
16 United States District Judge
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