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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Theodore Jacob Jones,)	No. CV-12-435-PHX-SRB (LOA)
)	
Plaintiff,)	ORDER
)	
vs.)	
)	
CO II Forbs, et al.,)	
)	
Defendants.)	

This matter arises on Plaintiff’s Motion for the Appointment of Counsel, doc. 12. Plaintiff, in essence, alleges that his litigation is complex and that his imprisonment will greatly limit his ability to litigate his 42 U.S.C. §1983 case.

There is no constitutional right to appointment of counsel in a civil case. *Johnson v. U.S. Dep’t. of Treasury*, 939 F.2d 820, 824 (9th Cir. 1991). Title 28 U.S.C. § 1915(e)(1), however, provides that “[t]he court may request an attorney to represent any person unable to afford counsel.” Although the subject statute gives the trial court broad discretion whether the appointment of counsel is warranted, the Ninth Circuit has limited the exercise of that power to exceptional circumstances. *See Terrell v. Brewer*, 935 F.2d 1015, 1017 (9th Cir. 1991) (citing *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986)). In determining whether to appoint counsel, the court must evaluate both the likelihood of success on the merits, and the ability of the plaintiff to articulate his or her claims claims, *pro se*, in view of their complexity. *Wood v. Housewright*, 900 F.2d 1332, 1335 (9th Cir. 1990).

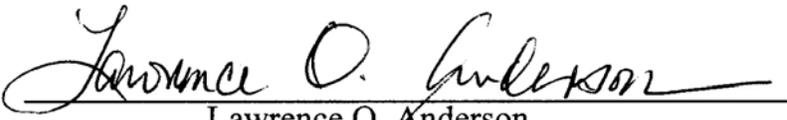
1 At this point, Plaintiff has not demonstrated a likelihood of success on the merits, nor
2 has he shown that he is experiencing difficulty in litigating this case because of the
3 complexity of the issues involved. Nor has Plaintiff shown that he has had difficulty in
4 articulating his case or position. The Court will deny Plaintiff's motion to appoint counsel
5 because no exceptional circumstances exist in this case. The Court may revisit this issue, if
6 appropriate, at a later date.

7 Accordingly,

8 **IT IS ORDERED** that Plaintiff's Motion for Appointment of Counsel, doc. 12, is
9 **DENIED** without prejudice.

10 DATED this 26th of July, 2012.

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Lawrence O. Anderson
United States Magistrate Judge