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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Johnny G. Woods, Jr.,

Plaintiff,

v.

Joseph M. Arpaio, Maricopa County Sheriff; Lourdes Hernandez; Dr. Gaskins; Does 1-50; County of Maricopa,

Defendants.

No. CV-13-01622-PHX-GMS

ORDER

Pending before the Court is Plaintiff's Motion for Pro Bono Program (Doc. 6) which the Court will treat as a motion for appointment of counsel.

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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Having considered both factors, the Court finds that Plaintiff has not demonstrated a likelihood of success on the merits or that any difficulty he may be experiencing in attempting to litigate his case is due to the complexity of the issues involved. While Plaintiff may have financial difficulties that he may be experiencing, such difficulties do not make his case exceptional. Accordingly, at the present time, this case does not present "exceptional circumstances" requiring the appointment of counsel.

IT IS HEREBY ORDERED that the Motion is denied.

Dated this 5th day of September, 2013.

G. Murray Snow
United States District Judge