

1 **WO**

2
3
4
5
6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**

8
9 Ann Garcia,

10 Plaintiff,

11 v.

12 Salvation Army,

13 Defendant.

No. CV-14-02225-PHX-DGC
CV-15-01444-PHX SPL

ORDER

14
15 Pro se Plaintiff has filed a motion asking the Court to allow her “to retain” an
16 attorney to assist with the discovery in this case. Doc. 66. Plaintiff does not need the
17 Court’s permission to retain an attorney. If she does retain an attorney to represent her in
18 this case, the attorney must make a formal appearance and must comply with the
19 litigation schedule established in the Court’s orders.

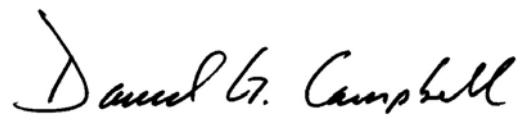
20 If Plaintiff is asking the Court to appoint counsel at the Court’s expense, that
21 request will be denied. There is no constitutional right to appointed counsel in a civil
22 case. *See Ivey v. Bd. of Regents of Univ. of Alaska*, 673 F.2d 266, 269 (9th Cir.1982).
23 Nevertheless, a district court may appoint counsel in “exceptional circumstances.” *See*
24 28 U.S.C. § 1915(e)(1); *Aldabe v. Aldabe*, 616 F.2d 1089, 1093 (9th Cir.1980). A finding
25 of exceptional circumstances requires an evaluation of both the likelihood of success on
26 the merits and the ability of the petitioner to articulate his or her claim pro se in light of
27 the complexity of the legal issues involved. *Weygant v. Look*, 718 F.2d 952, 954 (9th
28 Cir.1983)); *Richards v. Harper*, 864 F.2d 85, 87 (9th Cir.1988).

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

Having considered both elements, it does not appear that exceptional circumstances are present that would require the appointment of counsel. Plaintiff does not attempt to show exceptional circumstances, and although she states that discovery is “getting complicated,” Plaintiff is in no different position than many pro se litigants.

IT IS ORDERED that Plaintiff’s motion for limited scope representation by attorney (Doc. 66) is **denied**.

Dated this 23rd day of October, 2015.



David G. Campbell
United States District Judge