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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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William W. Castle,

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No. CIV 09-8114-PCT-MHM (DKD)

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Plaintiff,

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vs.

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ORDER

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Eurofresh, Inc., et al.,

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Defendants.

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Pending before the Court are Plaintiff's Motion for Appointment of Counsel (Doc. #8),

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Motion to Extend Time to Complete Service (Doc. #9), and Motion for Status on Court

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Screening (Doc. #10). Plaintiff's Complaint was filed June 30, 2009; the Court's Screening

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Order was issued September 21, 2009 (Doc. #11). Accordingly, the Court will deny Plaintiff's

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motion for status as moot and deny Plaintiff's motion to extend time as premature.

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Plaintiff requests that the court appoint counsel because he lacks legal training, cannot

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afford counsel, and because the issues in this matter are complex. There is no constitutional

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right to appointment of counsel in a civil case. *See Johnson v. Dep't of Treasury*, 939 F.2d 820,

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824 (9th Cir. 1991). Appointment of counsel in a civil rights case is required only when

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exceptional circumstances are present. *Terrell v. Brewer*, 935 F.2d 1015, 1017 (9th Cir. 1991)

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(citing *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986)). In determining whether

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to appoint counsel, the court should consider the likelihood of success on the merits, and the

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ability of plaintiff to articulate his claims in view of their complexity. *Wood v. Housewright*,

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900 F.2d 1332, 1335 (9th Cir. 1990).

1 Plaintiff has not demonstrated a likelihood of success on the merits, nor has he shown
2 that he is experiencing difficulty in litigating this case because of the complexity of the issues
3 involved. Moreover, Plaintiff's numerous filings with the Court as well as the pending motion,
4 indicate that Plaintiff is capable of presenting legal and factual arguments to the Court. After
5 reviewing the file, the Court determines that this case does not present exceptional
6 circumstances requiring the appointment of counsel. Therefore, Plaintiff's motion will be
7 denied.

8 **IT IS HEREBY ORDERED** that Plaintiff's Motion for Appointment of Counsel (Doc.
9 #8) is **DENIED** without prejudice.

10 **IT IS FURTHER ORDERED** denying Plaintiff's Motion to Extend Time to Complete
11 Service (Doc. #9), as premature pending Plaintiff's return of the service packets.

12 **IT IS FURTHER ORDERED** denying Plaintiff's Motion for Status on Court Screening
13 (Doc. #10), as moot.

14 DATED this 30th day of September, 2009.

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18 David K. Duncan
19 United States Magistrate Judge
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