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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

Gary Andre Lacy,

Plaintiff,

v.

H. Tyson, et al.

Defendants.

CASE NO. 1:07-cv-0381-JMR

**ORDER**

Plaintiff has filed a Motion/Request for Appointment of Counsel (Doc. 37). For the reasons below, the motion is denied.

District courts have broad discretion in deciding whether to appoint counsel for indigent parties, granting such requests “only in exceptional cases.” *United States v. Madden*, 352 F.2d 792, 794 (9th Cir. 1965). When considering whether to appoint counsel, a district court considers (1) the likelihood of success on the merits, and (2) the pro se plaintiff’s ability to articulate his claims based on the complexity of the issues. *See Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986). The party seeking assistance must show the exceptional nature of his claim that would require assistance of counsel. *See Agyeman v. Corrections Corp. of Am.*, 390 F.3d 1101, 1103 (9th Cir. 2004).

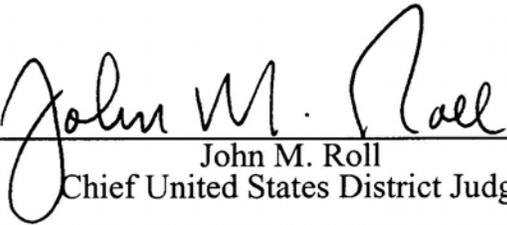
In this case, Plaintiff has not shown exceptional circumstances that would justify the appointment of counsel and his motion is denied. His Complaint states a number of claims that typify similar prisoner claims. Because the claims are not exceptional, there is not a sufficient basis to grant the motion.

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Accordingly, **IT IS ORDERED:**

Plaintiff's Motion to Appoint Counsel (Doc. 37) is **denied**.

DATED this 22nd day of October, 2010.

  
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John M. Roll  
Chief United States District Judge