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United States District Court
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DO KHA,

Plaintiff,

v.

DONNA POST, MELISSA FRITZ,
BARBARA CAMPANELLA,
KRISTEN DICKERSON, CHRIS,
PETER ARRIZU, JOSE JIMENEZ,
ROGER FINCH,

Defendants.

No. C 08-00543 WHA (PR)

**ORDER RE PLAINTIFF'S MOTION
FOR APPOINTMENT OF COUNSEL**

Plaintiff Do Kha has filed several motions for counsel. There is no constitutional right to counsel in a civil case. *Lassiter v. Dep't of Social Services*, 452 U.S. 18, 25 (1981). 28 U.S.C. 1915 confers on a district court only the power to "request" that counsel represent a litigant who is proceeding *in forma pauperis*. 28 U.S.C. 1915(e)(1). This does not give the courts the power to make "coercive appointments of counsel." *Mallard v. United States Dist. Court*, 490 U.S. 296, 310 (1989). In short, the Court only has the power to ask pro bono counsel to represent plaintiff, not the power to "appoint" counsel.

Plaintiff is capable of presenting his claims effectively, and the issues, at least at this stage, are not complex. The motions for appointment of counsel are **DENIED**.

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Plaintiff has also filed a motion to proceed *in forma pauperis*. An earlier motion to proceed *in forma pauperis* was previously granted. Therefore, this motion is **MOOT**.

IT IS SO ORDERED.

Dated: September 11, 2009.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE