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

Phillip W. Dunn,)	No. CV 1- 08-873-NVW
Plaintiff,)	
vs.)	
Matthew Cate, et al.,)	ORDER
Defendants.)	

Pending before the Court is Petitioner’s Motion for Appointment of Counsel. (Doc. # 17.) Indigent state prisoners filing civil suits are not entitled to appointed counsel unless the circumstances indicate that appointed counsel is necessary to prevent due process violations. *Bonin v. Vasquez*, 999 F.2d 425, 428-29 (9th Cir. 1993); *Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir. 1986), *cert. denied*, 481 U.S. 1023 (1987). In addition, before appointment of counsel in a civil suit will be appropriate, the court “must evaluate the likelihood of success on the merits as well as the ability of the petitioner to articulate his claims *pro se* in light of the complexity of the legal issues involved.” *Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir. 1983); *see also Duckett v. Godinez*, 67 F.3d 734, 750 (n. 8) (9th Cir. 1995). Further, the Court has discretion to appoint counsel when the interests of justice so require. 18 U.S.C. § 3006(a)(2). This may be necessary in some “complex cases.” *Bonin*, 999 F.2d at 429.

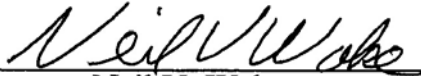
Petitioner requests appointment of counsel because he cannot afford to hire a private attorney, he does not understand the law, he requires medical experts for his case, and he is ill. However, review of the petition shows that petitioner’s case is not particularly complex. In

1 addition, review of the substance of his claims, as well as the procedural issues raised by
2 respondents for denial of relief, prevent the conclusion that petitioner has a likelihood of success
3 on the merits. For these reasons, the motion for appointment of counsel will be denied.

4 **IT IS THEREFORE ORDERED** that Petitioner's Motion for Appointment of Counsel
5 (doc. # 17) is denied.

6 DATED this 12th day of August, 2009.

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Neil V. Wake
United States District Judge