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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

STEPHEN GARCIA,	CASE NO. 1:11-cv-01612-AWI-SMS
Plaintiff,	ORDER DENYING PLAINTIFF’S REQUEST FOR APPOINTMENT OF COUNSEL
v.	
FRESNO COUNTY,	(Doc. 8)
Defendant.	

Plaintiff Stephen Garcia has requested the appointment of an attorney to represent him in this case. Having reviewed Plaintiff’s motion in its entirety, this Court denies Plaintiff’s motion.

“The court may request an attorney to represent any person unable to afford counsel.” 28 U.S.C. § 1915(e)(1). Nonetheless, there is no constitutional right to counsel in civil cases. *United States v. Sardone*, 94 F.3d 1233, 1236 (9th Cir. 1996). Nor is there a right to an attorney in claims brought pursuant to 42 U.S.C. § 1983. *Campbell v. Burt*, 141 F.3d 927, 931 (9th Cir. 1998).

Nonetheless, district courts have the discretion, pursuant to 28 U.S.C. § 1915(e)(1), to appoint counsel for indigent civil litigants upon a showing of exceptional circumstances. *See Agyeman v. Corrections Corp. of Amer.*, 390 F.3d 1101, 1103 (9th Cir. 2004), *cert. denied*, 545 U.S. 1128 (2005); *Terrell v. Brewer*, 935 F.2d 1015, 1017 (9th Cir. 1991); *Burns v. County of King*, 883 F.2d 819, 824 (9th Cir. 1989). To find exceptional circumstances, a court must evaluate both the likelihood of the plaintiff’s success on the merits and the plaintiff’s ability to articulate

1 his claims in the light of the complexity of the legal issues alleged. *Agyemen*, 390 F.3d at 1103.
2 “Neither of these factors is dispositive and both must be viewed together before reaching a
3 decision.” *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986).

4 In the present case, the court does not find the required exceptional circumstances.
5 Plaintiff’s claims of excessive force, denial of medical attention, and filing of a false police report
6 are straightforward and fact dependent. As evidenced by his ability to prepare a complaint and to
7 follow the Court’s directions in preparing his amended complaint, Plaintiff clearly possesses the
8 necessary abilities to set forth his claims before this Court.

9 Accordingly, Plaintiff’s request for appointment of counsel is hereby DENIED.

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11 IT IS SO ORDERED.

12 Dated: May 30, 2012

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE

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