UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

AL GENE FISHER,

Plaintiff,

vs.

T. FELKER, *et al.*,

Defendants.

Case No. 2:07-cv-02271-PMP-GWF

ORDER

This matter is before the Court on Plaintiff's Motion for Appointment of Counsel (#40), filed April 23, 2010.

There is no constitutional right to the appointment of counsel in civil cases. *Ivey v. Bd. of Regents of Univ. of Alaska*, 673 F.2d 266, 269 (9th Cir. 1982). A court may only designate counsel pursuant to 28 U.S.C. § 1915(d) in exceptional circumstances. *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986). In determining whether counsel should be appointed, the Court has discretion to consider four relevant factors: (1) the plaintiff's financial resources; (2) the efforts made by the plaintiff to secure counsel; (3) the meritoriousness of the plaintiff's claim; and (4) the ability of the petitioner to articulate his claims pro se in light of the complexity of the legal issues involved. *Ivey*, 673 F.2d at 269; *Wilborn*, 789 F.2d at 1331.

While Plaintiff has demonstrated the potential meritoriousness of his claims through various pleadings, he has failed to demonstrate any efforts to secure counsel. In addition, the quality of Plaintiff's pleadings suggest he is able to represent himself and articulate the complexity of the legal issues involved. Accordingly,

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IT IS HEREBY ORDERED that Plaintiff's Motion for Appointment of Counsel (#40) is **denied**.

DATED this 17th day of May, 2010.

GEORGE FOLEY, JR.
UNITED STATES MAGISTRATE JUDGE