FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT

IIWOTHY DEMOND BARRY,	{	
	Plaintiff,	Case No. 2:08-cv-01722-PMP-GWF
VS.)	ORDER
T. FELKER, et al.,		Motion for Appointment of Counsel (#44)
	Defendants.	(// 1 - 1)

This matter is before the Court on Plaintiff's Motion for Appointment of Counsel (#44), filed January 7, 2011.

There is no constitutional right to the appointment of coursel 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. Plaintiff has already successfully demonstrated the potential meritoriousness of his claims as stated by the Court in the screening of Plaintiff's Complaint (#1) and his appeal to the Ninth Circuit Court of Appeals (#26). The Court finds that the skill Plaintiff demonstrated in his filings with the Court demonstrates that he is able to represent himself in this action. Therefore, Plaintiff has not presented sufficient evidence to persuade this Court to appoint counsel to represent him. Accordingly,

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IT IS HEREBY ORDERED that Plaintiff's Motion for Appointment of Counsel (#44) is denied.

DATED this 26th day of January, 2011.

GEORGE FOLEY, JR. United States Magistrate Judge