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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MICHAEL D. STORMAN,
Plaintiff,
v.
U.S. OFFICE OF THE SECRETARY
DHHS,
Defendant.

No. 2:17-cv-00976-MCE-AC

ORDER

In bringing the present Motion to Appeal Appointment of Counsel (ECF No. 13) before the undersigned, Plaintiff Michael B. Storman (“Plaintiff”) asks this Court to reverse the Magistrate Judge’s September 21, 2017 Order denying Plaintiff’s request for appointment of counsel. In that Order, the Magistrate Judge noted that while district courts may request the voluntary assistance of counsel for indigent civil defendants in exceptional circumstances, she found no such circumstances to be present in this matter. Plaintiff now appeals that decision in what amounts to a request for reconsideration of the Magistrate Judge’s Order.

In reviewing a magistrate judge’s determination, the assigned judge shall apply the “clearly erroneous or contrary to law” standard of review set forth in Local Rule 303(f), as specifically authorized by Federal Rule of Civil Procedure 72(a) and 28 U.S.C.

1 § 636(b)(1)(A).¹ Under this standard, the Court must accept the Magistrate Judge's
2 decision unless it has a "definite and firm conviction that a mistake has been committed."
3 Concrete Pipe & Prods. of Cal., Inc. v. Constr. Laborers Pension Trust for So. Cal., 508
4 U.S. 602, 622 (1993). If the Court believes the conclusions reached by the Magistrate
5 Judge were at least plausible, after considering the record in its entirety, the Court will
6 not reverse even if convinced that it would have weighed the evidence differently.
7 Phoenix Eng. & Supply Inc. v. Universal Elec. Co., Inc., 104 F.3d 1137, 1141 (9th Cir.
8 1997).

9 After reviewing the entire file, this Court cannot say that the Magistrate Judge's
10 decision denying Plaintiff's request for appointment of counsel was clearly erroneous.
11 The Magistrate Judge correctly noted that, in general, a person has no right to counsel in
12 civil actions although in exceptional circumstances counsel can be appointed. Nor does
13 the Court find the Magistrate Judge's decision finding this matter to lack the exceptional
14 circumstances necessary to request counsel to be clearly erroneous. Plaintiff's Motion
15 to Appeal Appointment of Counsel (ECF No. 13) is accordingly DENIED.

16 IT IS SO ORDERED.

17 Dated: January 3, 2018

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19 MORRISON C. ENGLAND, JR.
20 UNITED STATES DISTRICT JUDGE

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27 ¹ Federal Rule of Civil Procedure 72(a) directs the district court judge to "modify or set aside any
28 portion of the magistrate judge's order found to be clearly erroneous or contrary to law." Similarly, under
28 U.S.C. § 636(b)(1)(A), the district judge may reconsider any pretrial order "where it is shown that the
magistrate's order is clearly erroneous or contrary to law."