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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
EUREKA DIVISION

WILLIE MORRIS CLAY,
Plaintiff,
v.
DAVID LIVINGSTON, et. al.,
Defendants.

No. C 13-3437 NJV (PR)

**ORDER DENYING MOTION
TO APPOINT COUNSEL**
(Doc. 18.)

Plaintiff, a state prisoner, proceeds with a pro se civil rights complaint under 42 U.S.C. § 1983. The court recently ordered service on Defendants and there are no pending motions. Plaintiff has requested the appointment of counsel. (Doc. 18.) There is no constitutional right to counsel in a civil case, *Lassiter v. Dep't of Social Services*, 452 U.S. 18, 25 (1981), and although district courts may "request" that counsel represent a litigant who is proceeding in forma pauperis, as plaintiff is here, see 28 U.S.C. § 1915(e)(1), that does not give the courts the power to make "coercive appointments of counsel." *Mallard v. United States Dist. Court*, 490 U.S. 296, 310 (1989).

The Ninth Circuit has held that a district court may ask counsel to represent an indigent litigant only in "exceptional circumstances," the determination of which requires an evaluation of both (1) the likelihood of success on the merits and (2) the ability of the plaintiff to articulate his claims pro se in light of the complexity of the legal issues involved. *Terrell v. Brewer*, 935 F.2d 1015, 1017 (9th Cir. 1991). Plaintiff appears able to present his claims adequately, and the issues are not complex. The court notes that Plaintiff alleges a lack of access to the prison law library. Should such a lack of access impinge on Plaintiff's ability to meet a court-ordered deadline, Plaintiff may file an appropriate motion. Therefore,

1 the motion to appoint counsel will be denied.

2 **CONCLUSION**

3 The motion to appoint counsel (Docket No. 18) is **DENIED**.

4 **IT IS SO ORDERED.**

5 Dated: February 26, 2014.

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NANDOR J. VADAS
United States Magistrate Judge

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
EUREKA DIVISION

WILLIE MORRIS CLAY,
Plaintiff,

No. 1:13-CV-3437 NJV

CERTIFICATE OF SERVICE

v.
DAVID LIVINGSTON, et al.,
Defendants.

I, the undersigned, hereby certify that on February 26, 2014, I served a true and correct copy of the attached by placing said copy in a postage paid envelope addressed to the person(s) listed below, by depositing said envelope in the U.S. Mail.

Willie Morris Clay , II
AR 3562
San Quentin State Prison
SP1B29
San Quentin, CA 94974

Dated: February 26, 2014

 /s/ Linn Van Meter
Linn Van Meter
Administrative Law Clerk to the
Honorable Nandor J. Vadas