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## IN THE UNITED STATES DISTRICT COURT

## FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOHNNIE R. LEDBETTER,

No. C 06-5998 WHA (PR)

Plaintiff,

**ORDER VACATING DEFENDANTS'  
NOTICE OF HEARING AND  
DENYING PLAINTIFF'S MOTION  
FOR COUNSEL**

v.

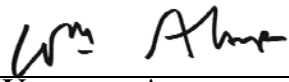
Sergeant KYM and Deputy GRAHAM,

Defendants.  
\_\_\_\_\_

This is a civil rights case filed by a state prisoner. Defendants have filed a motion to dismiss and noticed the motion for hearing on September 4, 2008. The order of service stated that no hearing would be held on dispositive motions unless the Court so ordered, which it has not done. The hearing date is **VACATED**.

Plaintiff has moved for appointment of counsel. There is no constitutional right to counsel in a civil case. *Lassiter v. Dep't of Social Services*, 452 U.S. 18, 25 (1981). District courts have only the power to "request" that counsel represent a litigant who is proceeding in forma pauperis. *See* 28 U.S.C. § 1915(e)(1). This 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). In short, the Court has only the power to ask pro bono counsel to represent plaintiff, not the power to "appoint" counsel.

Plaintiff has presented his claims effectively, and the issues, at least at this stage, are not complex. The motion (document number 11 on the docket) is **DENIED**.

**IT IS SO ORDERED.**Dated: September   2  , 2008.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE

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