

1
2
3
4
5
6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE NORTHERN DISTRICT OF CALIFORNIA
8
9

10 JERRYAL J. CULLER, SR.,

No. C 08-1694 WHA (PR)

11 Plaintiff,

**ORDER DENYING
MOTION FOR OF
COUNSEL**

12 v.

13 CALIFORNIA DEPARTMENT OF
14 CORRECTIONS; SOLEDAD STATE
15 PRISON; SOLEDAD MEDICAL
16 DEPARTMENT; DR. J. CHUDY,
17 CMO; DR. T. FRIEDERICH; DR.
GELWEL; DR. N. LOCUS; DR. M.
DICUS; DR. D. PHAN; and LYNN
MINMOCK, RN,

Defendants.
18 _____/

19
20 This is a civil rights case filed pro se by a state prisoner. He has filed a motion for
21 “appointment” of counsel.

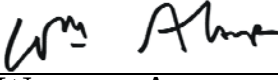
22 There is no constitutional right to counsel in a civil case. *Lassiter v. Dep't of Social*
23 *Services*, 452 U.S. 18, 25 (1981). 28 U.S.C. § 1915 confers on a district court only the power to
24 "request" that counsel represent a litigant who is proceeding in forma pauperis. 28 U.S.C. §
25 1915(e)(1). This does not give the courts the power to make "coercive appointments of
26 counsel." *Mallard v. United States Dist. Court*, 490 U.S. 296, 310 (1989). In short, the Court
27 has only the power to ask pro bono counsel to represent plaintiff, not the power to “appoint”
28 counsel.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Plaintiff is capable of presenting his claims effectively, and the issues are not complex.
The motion (document number 12 on the docket) is **DENIED**.

IT IS SO ORDERED.

Dated: December 4, 2008.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE