

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

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RAPHAEL GEORGE RAYFORD,
Plaintiff,
v.
W. BLAIR, et al.,
Defendants.

Case No. [14-cv-03660-VC](#) (PR)

**ORDER DENYING MOTION FOR
APPOINTMENT OF COUNSEL**

Docket No. 16

Raphael George Rayford moves for the appointment of counsel in his civil rights action because the legal issues are complex and he is unable to adequately investigate or present the factual issues regarding his claims.

“[I]t is well-established that there is generally no constitutional right to counsel in civil cases.” *United States v. Sardone*, 94 F.3d 1233, 1236 (9th Cir. 1996). Nonetheless, under 28 U.S.C. § 1915(e)(1), the Court has the discretion to appoint counsel to “any person unable to afford counsel.” The discretionary appointment of counsel typically is reserved for cases involving “exceptional circumstances.” *Terrell v. Brewer*, 935 F.2d 1015, 1017 (9th Cir. 1991). “A finding of exceptional circumstances requires an evaluation of both ‘the likelihood of success on the merits and the ability of the petitioner to articulate his claims *pro se* in light of the complexity of the legal issues involved.’ Neither of these factors is dispositive and both must be viewed together before reaching a decision.” *Id.* Here, exceptional circumstances requiring the appointment of counsel are not evident. The request for appointment of counsel is DENIED.

If, in the future, the Court concludes it is necessary to appoint counsel to represent

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

Rayford, it shall do so *sua sponte*.

This Order terminates Docket No. 16.

IT IS SO ORDERED.

Dated: June 11, 2015



VINCE CHHABRIA
UNITED STATES DISTRICT JUDGE

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

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RAPHAEL GEORGE RAYFORD,
Plaintiff,
v.
W. BLAIR, et al.,
Defendants.

Case No. [14-cv-03660-VC](#)

CERTIFICATE OF SERVICE


I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on June 11, 2015, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Raphael George Rayford ID: D-76886
Salinas Valley State Prison
P.O. Box 1050, Fac.D1-111L
Soledad, CA 93960-1050

Dated: June 11, 2015

Richard W. Wieking
Clerk, United States District Court

By: 
Kristen Melen, Deputy Clerk to the
Honorable VINCE CHHABRIA