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28IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MICHAEL ISREAL,

Plaintiff,

v.

DR. CHARLES D. LEE, et al.,

Defendants.
_____ /

No. C 09-01525 CW (PR)

ORDER DENYING MOTION FOR
APPOINTMENT OF COUNSEL

Plaintiff requests the appointment of counsel to represent him in this action in which Defendants have filed a Motion for Summary Judgment, Plaintiff has filed an opposition and Defendants have filed a reply. Defendants have opposed Plaintiff's request.

There is no constitutional right to counsel in a civil case unless an indigent litigant may lose his physical liberty if he loses the litigation. See Lassiter v. Dep't of Social Services, 452 U.S. 18, 25 (1981); Rand v. Rowland, 113 F.3d 1520, 1525 (9th Cir. 1997) (no constitutional right to counsel in § 1983 action), withdrawn in part on other grounds on reh'g en banc, 154 F.3d 952 (9th Cir. 1998) (en banc). The court may ask counsel to represent an indigent litigant under 28 U.S.C. § 1915 only in "exceptional

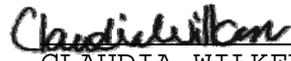
1 circumstances," the determination of which requires an evaluation
2 of both (1) the likelihood of success on the merits, and (2) the
3 ability of the plaintiff to articulate his claims pro se in light
4 of the complexity of the legal issues involved. See id. at 1525;
5 Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991); Wilborn v.
6 Escalderon, 789 F.2d 1328, 1331 (9th Cir. 1986). Both of these
7 factors must be viewed together before reaching a decision on a
8 request for counsel under § 1915. See id.

9 The Court finds that exceptional circumstances entitling
10 Plaintiff to court appointed counsel do not exist at this time, as
11 Plaintiff has been able to articulate his claims and legal
12 arguments adequately in light of the complexity of the legal issues
13 involved. Accordingly, Plaintiff's request is DENIED.

14 This Order terminates Docket no. 43.

15 IT IS SO ORDERED.

16 Dated: 9/9/2011



CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE

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1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 MICHAEL ISREAL,
5 Plaintiff,

Case Number: CV09-01525 CW

CERTIFICATE OF SERVICE

6 v.

7 A. HEDGPETH et al,
8 Defendant.

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

11 That on September 9, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said
12 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
13 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located
14 in the Clerk's office.

15 Michael Isreal C-11296
16 CSATF/State Prison at Corcoran
17 P.O. Box 5244
18 Corcoran, CA 93212

Dated: September 9, 2011

Richard W. Wieking, Clerk
By: Nikki Riley, Deputy Clerk