

United States District Court
Northern District of California

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

EDWIN JAY HUTCHINSON,
Plaintiff,
v.
CALIFORNIA PRISON INDUSTRY
AUTHORITY, et al.,
Defendants.

Case No.: C 13-4635 CW (PR)
ORDER DENYING MOTION FOR
APPOINTMENT OF COUNSEL
(Docket no. 13)

Plaintiff, a state inmate who has filed a pro se civil rights action under 42 U.S.C. § 1983, moves for the appointment of counsel because the legal issues are complex and he is unable adequately to 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 volunteer counsel for "any person unable to afford counsel." The discretionary appointment of counsel typically is reserved for cases involving "exceptional circumstances."

1 Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991). "A
2 finding of exceptional circumstances requires an evaluation of
3 both 'the likelihood of success on the merits and the ability of
4 the petitioner to articulate his claims pro se in light of the
5 complexity of the legal issues involved.' Neither of these
6 factors is dispositive and both must be viewed together before
7 reaching a decision." Id. Here, exceptional circumstances
8 requiring the appointment of counsel are not evident. The
9 request for appointment of counsel is DENIED. If, in the future,
10 the Court concludes it is necessary to appoint counsel to
11 represent Plaintiff, it shall do so on its own motion.

12 This Order terminates Docket no. 13.

13 IT IS SO ORDERED.

14 Dated: 5/27/2014

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17 CLAUDIA WILKEN
18 UNITED STATES DISTRICT JUDGE
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