

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

ISAURO GONZALES,  
Plaintiff,  
v.  
LE VOS, et al.,  
Defendants.

Case No. [16-cv-04184-PJH](#)

**ORDER DENYING MOTION TO  
APPOINT COUNSEL**

Re: Dkt. No. 10

United States District Court  
Northern District of California

This is a civil rights case brought pro se by a detainee. Plaintiff has filed a motion to appoint 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), and although district courts may "request" that counsel represent a litigant who is proceeding in forma pauperis, as plaintiff is here, see 28 U.S.C. § 1915(e)(1), that 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).

The Ninth Circuit has held that a district court may ask counsel to represent an indigent litigant only in "exceptional circumstances," the determination of which requires an evaluation of both (1) the likelihood of success on the merits and (2) the ability of the plaintiff to articulate his claims pro se in light of the complexity of the legal issues involved. *Terrell v. Brewer*, 935 F.2d 1015, 1017 (9th Cir. 1991). Plaintiff has presented his claims adequately, and the issues are not complex.

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

Therefore, the motion to appoint counsel (Docket No. 10) is **DENIED**.

**IT IS SO ORDERED.**

Dated: November 3, 2016



---

PHYLLIS J. HAMILTON  
United States District Judge

\\cand oak.cand.circ9.dcn\data\users\PJHALL\\_psp\2016\2016\_04184\_Gonzales\_v\_City\_of\_San\_Jose\_Police\_Dept\_(PSP)\16-cv-04184-PJH-dny\_counsel.docx

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA

3  
4 ISAURO GONZALES,  
5 Plaintiff,

6 v.

7 LE VOS, et al.,  
8 Defendants.

Case No. [16-cv-04184-PJH](#)

**CERTIFICATE OF SERVICE**

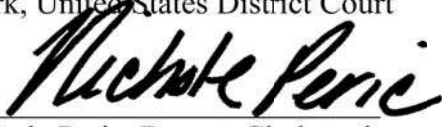
9 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S.  
10 District Court, Northern District of California.

11 That on November 3, 2016, I SERVED a true and correct copy(ies) of the attached, by  
12 placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by  
13 depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery  
14 receptacle located in the Clerk's office.

15  
16 Isauro Gonzales ID: AYA300/15054037  
17 County Jail  
18 701 South Able Street  
19 Milpitas, CA 95035

20 Dated: November 3, 2016

21  
22 Susan Y. Soong  
23 Clerk, United States District Court

24 By:   
25 Nichole Peric, Deputy Clerk to the  
26 Honorable PHYLLIS J. HAMILTON  
27  
28