

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA

3  
4 ANDREW LOPEZ,  
5 Plaintiff,

6 v.

7 D. C. THOMAS,  
8 Defendant.

Case No. [21-cv-07136-PJH](#)

**ORDER DENYING MOTION TO  
APPOINT COUNSEL**

Re: Dkt. No. 37

9 This is a civil rights case brought pro se by a prisoner. Plaintiff has filed a motion  
10 to appoint counsel. There is no constitutional right to counsel in a civil case, *Lassiter v.*  
11 *Dep't of Social Services*, 452 U.S. 18, 25 (1981), and although district courts may  
12 "request" that counsel represent a litigant who is proceeding in forma pauperis, as plaintiff  
13 is here, see 28 U.S.C. § 1915(e)(1), that does not give the courts the power to make  
14 "coercive appointments of counsel." *Mallard v. United States Dist. Court*, 490 U.S. 296,  
15 310 (1989).

16 The Ninth Circuit has held that a district court may ask counsel to represent an  
17 indigent litigant only in "exceptional circumstances," the determination of which requires  
18 an evaluation of both (1) the likelihood of success on the merits and (2) the ability of the  
19 plaintiff to articulate his claims pro se in light of the complexity of the legal issues  
20 involved. *Terrell v. Brewer*, 935 F.2d 1015, 1017 (9th Cir. 1991). Plaintiff has presented  
21 his claims adequately, and the issues are not complex. Therefore, the motion to appoint  
22 counsel (Docket No. 37) is **DENIED** without prejudice.

23 **IT IS SO ORDERED.**

24 Dated: August 1, 2022

25  
26 /s/ Phyllis J. Hamilton

27 PHYLLIS J. HAMILTON  
28 United States District Judge