

United States District Court  
For the Northern District of California

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  
SAN JOSE DIVISION

STATE FARM LIFE INSURANCE COMPANY,	)
	)
Plaintiff,	)
v.	)
JASON CAI and THE ESTATE OF YING DENG, Deceased,	)
	)
Defendants.	)
<hr/>	
CINDY PRESS, as Special Administrator of the Estate of Ying Deng,	)
	)
Cross-Claimant,	)
v.	)
JASON CAI,	)
	)
Cross-Defendant.	)
<hr/>	

Case No.: 09-CV-00396-LHK  
ORDER DENYING MOTION FOR  
APPOINTMENT OF COUNSEL

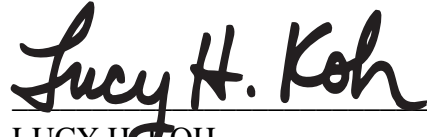
On January 28, 2013, Defendant Jason Cai (“Cai”) filed a motion requesting that the Court appoint counsel for Mr. Cai in this case. ECF No. 78. Mr. Cai is currently incarcerated. Mr. Cai contends that, without counsel, he lacks sufficient understanding of the law to adequately present a defense in this civil action. In this action, the parties seek an adjudication as to whether certain insurance proceeds should be paid to Mr. Cai or to the Estate of Ying Deng (which is represented by Cross-Claimaint Cindy Press).

1 In general, a party in a civil action does not does not have a constitutional right to the  
2 appointment of counsel. *Palmer v. Valdez*, 560 F.3d 965, 970 (9th Cir.2009); *Storseth v. Spellman*,  
3 654 F.2d 1349, 1353 (9th Cir.1981). The Court may request the voluntary assistance of counsel  
4 pursuant to 28 U.S.C. § 1915(e)(1), but it will do so only if exceptional circumstances exist.  
5 *Palmer*, 560 F.3d at 970; *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir.1981).

6 In March of 2011, the Court requested counsel for Mr. Cai. *See* ECF No. 60. Specifically,  
7 the Court referred Mr. Cai to the Federal Pro Bono Project. *See id.* The Court understands that the  
8 Federal Pro Bono Project, despite great effort, has been unable to obtain counsel for Mr. Cai since  
9 March 2011. The Court has no other means of obtaining counsel for Mr. Cai. Accordingly, Mr.  
10 Cai's motion for appointment of counsel is DENIED.

11 **IT IS SO ORDERED.**

12 Dated: February 6, 2013

  
\_\_\_\_\_  
LUCY H. KOH  
United States District Judge