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

WILLIE GEORGE ERWIN, JR.,)	No. C 12-0031 LHK (PR)
)	
Plaintiff,)	ORDER DENYING MOTION
)	FOR APPOINTMENT OF
v.)	COUNSEL
)	
WARDEN R. GROUNDS, et al.,)	
)	
Defendants.)	
)	(Docket No. 27)

Plaintiff, a state prisoner proceeding *pro se*, filed an amended civil rights complaint pursuant to 42 U.S.C. § 1983. Defendants filed a motion to dismiss. (Doc. No. 18.) Plaintiff has filed an opposition to the motion to dismiss, and an opposition to Defendants’ reply. (Doc. Nos. 24, 26.) Plaintiff has filed a motion for appointment of counsel. (Doc. No. 27.) Plaintiff’s current motion for appointment of counsel is identical to the two previously filed motions for appointment of counsel. (Doc. Nos. 20, 21).

Plaintiff’s motion for appointment of counsel is **DENIED** for want of exceptional circumstances. *See Rand v. Rowland*, 113 F.3d 1520, 1525 (9th Cir. 1997); *see also Lassiter v. Dep’t of Social Services*, 452 U.S. 18, 25 (1981) (there is no constitutional right to counsel in a civil case). This denial is without prejudice to the Court’s sua sponte appointment of counsel at a future date should the circumstances of this case warrant such appointment.

IT IS SO ORDERED.

DATED: 2/5/13


 LUCY H. KOH
 United States District Judge