

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

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

EDWARD T. FURNACE,	)	No. C 12-0873 LHK (PR)
	)	
Plaintiff,	)	ORDER DENYING MOTION
	)	FOR ASSIGNMENT OF PRO
v.	)	BONO CO-COUNSEL
	)	
G. GIURBINO, et al.,	)	
	)	
Defendants.	)	
_____		(Docket No. 81)

Plaintiff, a state prisoner proceeding *pro se*, filed a second amended civil rights complaint against prison officials at Salinas Valley State Prison pursuant to 42 U.S.C. § 1983. On March 22, 2013, defendants filed a motion to dismiss. (Docket No. 53.) Plaintiff filed an opposition and defendants filed a reply. (Docket Nos. 72, 77.) On March 10, 2013, plaintiff filed a motion for leave to file a third amended complaint. (Docket No. 64.) Defendants filed an opposition and plaintiff filed a reply. (Docket Nos. 69, 76.) The motions are now under submission with the court.

Plaintiff now files a motion for assignment of pro-bono co-counsel. (Docket No. 81.) Plaintiff's motion for assignment 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). The issues in this case are not particularly complex, and plaintiff has thus far been able to adequately

1 present his claims. This denial is without prejudice to the court's *sua sponte* appointment of  
2 counsel at a future date should the circumstances of this case warrant such appointment.

3 This order terminates docket no. 81.

4 IT IS SO ORDERED.

5 DATED: 9/24/13

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

6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28