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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**  
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11 TED DARNELL DANIELS,

12 Plaintiff,

13 vs.

14 O. ALVARADO, et al.

Defendants.

CASE NO. 07cv1822 JM(POR)

ORDER DENYING MOTION FOR  
APPOINTMENT OF COUNSEL


15 On or about July 29, 2009 Plaintiff filed a Motion for Appointment of Counsel (“Motion”) to  
16 assist him in prosecuting his civil rights action brought pursuant to 42 U.S.C. §1983. The Constitution  
17 provides no right to appointment of counsel in a civil case. See Lassiter v. Dept. of Social Services,  
18 452 U.S. 18, 25 (1981). Under 28 U.S.C. § 1915(e)(1), however, district courts are granted discretion  
19 to appoint counsel for indigent persons under “exceptional circumstances.” Terrell v. Brewer, 935  
20 F.2d 1015, 1017 (9th Cir. 1991). “A finding of exceptional circumstances requires an evaluation of  
21 both the ‘likelihood of success on the merits and the ability of the plaintiff to articulate [his or her]  
22 claims pro se in light of the complexity of the legal issues involved.’ Neither of these issues is  
23 dispositive and both must be viewed together before reaching a decision.” Id. (quoting Wilborn v.  
24 Escalderon, 789 F.2d 1328, 1331 (9th Cir. 1986)).

25 Here, it appears that Plaintiff has a sufficient grasp of his case, the legal issues involved, and  
26 is able to adequately articulate the basis of his complaint. The complaint adequately sets forth the  
27 factual basis for his claims. Further, the Motion is articulate, coherent, and demonstrates a  
28 fundamental understanding of the issues. Under these circumstances, the Court denies Plaintiff’s

1 request for appointment of counsel because it is not warranted by the interests of justice. LaMere v.  
2 Risley, 827 F.2d 622, 626 (9th Cir. 1987).

3 **IT IS SO ORDERED.**

4 DATED: August 6, 2009

  
Hon. Jeffrey T. Miller  
United States District Judge

6 cc: All Parties

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