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8   **UNITED STATES DISTRICT COURT**

9   **SOUTHERN DISTRICT OF CALIFORNIA**

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11   JUDY DUGAN; and DAVID CRAFT,   CASE NO. 10cv0042 JM(WMC)

12   Plaintiffs,   ORDER DENYING MOTION FOR
                   vs.   APPOINTMENT OF COUNSEL
13
      UNITED STATE OF AMERICA; and
14   REGENTS OF THE UNIVERSITY OF
      CALIFORNIA,
15
                                  Defendants.

16   Plaintiffs Judy Dugan and David Craft move for appointment of counsel. While the

17   application represents that this an employment action, the court notes that the complaint alleges a

18   single claim for medical malpractice. (Complaint, Docket No. 1). The Constitution provides no right

19   to appointment of counsel in a civil case. See Lassiter v. Dept. of Social Services, 452 U.S. 18, 25

20   (1981). Under 28 U.S.C. § 1915(e)(1), however, district courts are granted discretion to appoint

21   counsel for indigent persons under "exceptional circumstances." Terrell v. Brewer, 935 F.2d 1015,

22   1017 (9th Cir. 1991). "A finding of exceptional circumstances requires an evaluation of both the

23   'likelihood of success on the merits and the ability of the plaintiff to articulate [his or her] claims pro

24   se in light of the complexity of the legal issues involved.' Neither of these issues is dispositive and

25   both must be viewed together before reaching a decision.'" Id. (quoting Wilborn v. Escalderon, 789

26   F.2d 1328, 1331 (9th Cir. 1986)).

27   Here, it appears that Plaintiffs have a sufficient grasp of their case, the legal issues involved,

28   and are able to adequately articulate the basis for their claims. Accordingly, Plaintiffs' request for

                                             - 1 -   10cv0042

1 appointment of counsel is denied because it is not warranted by the interests of justice. LaMere v.

2 Risley, 827 F.2d 622, 626 (9th Cir. 1987).

3   In sum, the motion for appointment of counsel is denied.

4   **IT IS SO ORDERED.**

5 DATED: April 15, 2010

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7 Hon. Jeffrey T. Miller
   United States District Judge

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