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10 UNITED STATES DISTRICT COURT
11 SOUTHERN DISTRICT OF CALIFORNIA

12 **MICHAEL ANTHONY LOPEZ,**

13 Plaintiff,

14 v.

15 **GJ GIURBINO et al.,**

16 Defendants.

CASE NO. 11-CV-1079-BTM-
(PCL)

**ORDER DENYING
PLAINTIFF'S MOTION FOR
APPOINTMENT OF
COUNSEL**

[Doc. No. 50]

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19 Now before the Court is Plaintiff's Motion for Appointment of Counsel. [Doc. No.
20 50.] Plaintiff requests the appointment of counsel to assist him in prosecuting this civil
21 action. Generally, a person has no right to counsel in civil actions. See Storseth v.
22 Spellman, 654 F.2d 1349, 1353 (9th Cir. 1981). However, a court may under
23 "exceptional circumstances" appoint counsel for indigent civil litigants pursuant to 28
24 U.S.C. § 1915(e)(1). Agyeman v. Corrs. Corp. Of Am., 390 F.3d 1101, 1103 (9th Cir.
25 2004), *cert. denied sub nom.* Gerber v. Agyeman, 545 U.S. 1128 (2005). When
26 determining whether "exceptional circumstances" exist, a court must consider "the
27 likelihood of success on the merits as well as the ability of the petitioner to articulate his
28 claims pro se in light of the complexity view together. Wilborn v. Escalderson, 789 F.2d

1 1328, 1331 (9th Cir. 1986). Neither of these factors are dispositive and both must be
2 viewed together before reaching a decision.” Wilborn v. Escalderon, 789 F.2d 1328, 1331
3 (9th Cir.1986).


4 In this case, Plaintiff states that he requires the assistance of counsel. [Doc. No. 50.]
5 However, there is no evidence before this Court to suggest the presence of “exceptional
6 circumstances” warranting appointment of counsel. Plaintiff has not provided any
7 information to support a finding of a likelihood of success on the merits. Further, the
8 Plaintiff demonstrates a sufficient understanding of the legal process to be an able litigant
9 which is evidenced by his detailed Response to Defendant’s Motion to Dismiss. [Doc.
10 No. 51.]

11 Under these circumstances, the Court **DENIES** Plaintiff’s request without prejudice,
12 as neither the interests of justice nor exceptional circumstances warrant appointment of
13 counsel at this time. LaMere v. Risley, 827 F.2d 622, 626 (9th Cir. 1987); Terrell, 935
14 F.2d at 1017.

15 Plaintiff’s Motion for Appointment of Counsel is **DENIED**.

16 **IT IS SO ORDERED.**

17 DATE: May 20, 2013

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19 Peter C. Lewis
20 U.S. Magistrate Judge
21 United States District Court

22 cc: The Honorable Barry Ted Moskowitz
23 All Counsel of Record
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