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2 UNITED STATES DISTRICT COURT  
3 SOUTHERN DISTRICT OF CALIFORNIA  
4

5 RONALD MARTINEZ ,

6 Plaintiff,

7 v.

8 R. MADDEN, et al.,

9 Defendants.

Case No.: 12cv1298-GPC (MDD)

**ORDER DENYING  
PLAINTIFF'S MOTION TO  
APPOINT COUNSEL**

**[ECF No. 31]**

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11 On September 2, 2014, Plaintiff filed a Request for Appointment of  
12 Counsel. (ECF No. 31.) In his Motion, Plaintiff contends that counsel  
13 should be appointed because 1) he is indigent and lacks legal training to  
14 represent himself in his complex claims, 2) Defendants are invoking the  
15 “official information privilege” and the “critical self-analysis privilege”  
16 to avoid producing documents and information Plaintiff has demanded,  
17 3) appointment of counsel for Plaintiff will enable him to develop his  
18 case more efficiently, and 4) Plaintiff has sought pro bono  
19 representation from several attorneys without success. (*Id.* at 2-3).

1            “[T]here is no absolute right to counsel in civil proceedings.”  
2     *Hedges v. Resolution Trust Corp.*, 32 F.3d 1360, 1363 (9th Cir. 1994)  
3     (citation omitted). Thus, federal courts do not have the authority “to  
4     make coercive appointments of counsel.” *Mallard v. United States*  
5     *District Court*, 490 U.S. 296, 310 (1989); *see also United States v.*  
6     *\$292,888.04 in U.S. Currency*, 54 F.3d 564, 569 (9th Cir. 1995).


7            Districts courts have discretion, however, pursuant to 28 U.S.C. §  
8     1915(e)(1), to “request” that an attorney represent indigent civil  
9     litigants upon a showing of exceptional circumstances. *See Terrell v.*  
10    *Brewer*, 935 F.2d 1015, 1017 (9th Cir. 1991); *Burns v. County of King*,  
11    883 F.2d 819, 824 (9th Cir. 1989). “A finding of exceptional  
12    circumstances requires an evaluation of both the ‘likelihood of success  
13    on the merits and the ability of the plaintiff to articulate his claims pro  
14    se in light of the complexity of the legal issues involved.’ Neither of  
15    these issues is dispositive and both must be viewed together before  
16    reaching a decision.” *Terrell*, 935 F.2d at 1017 (quoting *Wilborn v.*  
17    *Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986)).

18            Plaintiff has not stated exceptional circumstances that would  
19    justify the appointment of counsel. A review of the Complaint and

1 Plaintiff's other filings indicate that Plaintiff is able to articulate and  
2 pursue his claims. Further, the claims presented in the Complaint are  
3 not overly complex and Plaintiff has not demonstrated a strong  
4 likelihood of success. Accordingly, Plaintiff's Motion is **DENIED**.

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6 **IT IS SO ORDERED.**

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8 DATED: September 18, 2014

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12 Hon. Mitchell D. Dembin  
13 U.S. Magistrate Judge  
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