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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

MARIA E. SILLER, CLAYTON
SILLER,

Plaintiffs,

v.

STEPHEN ALOYA, et al.,

Defendants.

CASE NO. 14cv1810-GPC (MDD)

ORDER DENYING PLAINTIFFS'
MOTION FOR APPOINTMENT
OF COUNSEL PURSUANT TO 28
U.S.C. § 1915(e)(1)

[ECF NO. 20]

Plaintiffs, proceeding *pro se* with a civil Complaint [ECF No. 1] has submitted a motion in which they request that the Court appoint counsel for them pursuant to 28 U.S.C. § 1915(e)(1). [ECF No. 20].

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

Districts courts have discretion, however, pursuant to 28 U.S.C. § 1915(e)(1), to “request” that an attorney represent indigent civil litigants upon a showing of exceptional circumstances. *See Terrell v. Brewer*, 935 F.2d 1015, 1017 (9th Cir. 1991); *Burns v. County of King*, 883 F.2d 819,

1 823 (9th Cir. 1989). “A finding of exceptional circumstances requires an
2 evaluation of both the ‘likelihood of success on the merits and the ability
3 of the plaintiff to articulate his claims pro se in light of the complexity of
4 the legal issues involved.’ Neither of these issues is dispositive and both
5 must be viewed together before reaching a decision.” *Id.* (quoting
6 *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986)).

7 Here, it appears that Plaintiffs have a sufficient grasp of their case,
8 the legal issues involved, and are able to adequately articulate the basis
9 of their claims. Additionally, the Court’s docket reflects that Plaintiffs
10 have already effected service of their Complaint and summons upon five
11 of the named Defendants in the case.

12 **Conclusion and Order**

13 Accordingly, under the circumstances of this case, the Court finds
14 that Plaintiffs have failed to plead facts sufficient to show the
15 “exceptional circumstances” required for appointment of counsel
16 pursuant to 28 U.S.C. § 1915(e)(1) and therefore **DENIES** without
17 prejudice Plaintiffs’ Motion for Appointment of Counsel pursuant to 28
18 U.S.C. § 1915(e)(1) [ECF. No. 20].

19 **IT IS SO ORDERED.**

20 DATED: October 22, 2014

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23 Hon. Mitchell D. Dembin
24 U.S. Magistrate Judge
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