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10 UNITED STATES DISTRICT COURT
11 SOUTHERN DISTRICT OF CALIFORNIA

12 **Cleon Neal Jones,**

13 Plaintiff,

14 v.

15 **Dr. Ajmel Sangha, M.D., et al.,**

16 Defendants.
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CASE NO. 14cv2828 GPC (PCL)

**ORDER DENYING WITHOUT
PREJUDICE PLAINTIFF'S
MOTION FOR APPOINTMENT
OF COUNSEL (Doc. 25.)**

19 Plaintiff, a state prisoner proceeding pro se, has requested appointment of counsel to pursue his
20 complaint for civil rights violations brought pursuant to 42 U.S.C. § 1983. For the reasons stated below,
21 the request for appointment of counsel is DENIED without prejudice.

22 The Constitution provides no right to appointment of counsel in a civil case, unless an indigent
23 litigant may lose his physical liberty if he loses the litigation. Lassiter v. Dept. of Social Services, 452
24 U.S. 18, 25 (1981). Nonetheless, under 28 U.S.C. § 1915(e)(1), district courts are granted discretion to
25 appoint counsel for indigent persons. This discretion may be exercised only under “exceptional
26 circumstances.” Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991). “A finding of exceptional
27 circumstances requires an evaluation of both the ‘likelihood of success on the merits and the ability of
28 the plaintiff to articulate his claims pro se in light of the complexity of the legal issues involved.’

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

3 Plaintiff states that he is unable to afford the assistance of counsel in pursuing his complaint and
4 that he has limited access to a law library and limited knowledge of the law. (See Doc. 25.) However, it
5 is evident by his detailed complaint that Plaintiff has a sufficient understanding of the legal process.
6 (Doc.6.) Plaintiff displays an adequate understanding of jurisdiction and venue, the parties involved, the
7 causes of action and demand for relief. (Id.) Also, Plaintiff has not attempted to demonstrate a
8 likelihood of success on the merits.

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

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

13 **IT IS SO ORDERED.**

14 Dated: January 14, 2016

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A handwritten signature in black ink, appearing to read "Peter C. Lewis", is written over a horizontal line.

Peter C. Lewis
United States Magistrate Judge