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

JON WARREN LARSON, CDCR
#AD-2009

Plaintiff,

vs.

WARDEN D. PARAMO; CMO
WALKER; DR. J. CHAU; DR.
NEWTON; DR. S. ROBERTS; R.N.
GIL; R.N. T. PAULE; R.N. WINZEL;
DR. KRISTEN DEAN,

Defendants.

15-CV-308 BTM (BGS)

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

[ECF No. 21.]

On July 2, 2015, Plaintiff Jon Warren Larson, a prisoner proceeding *pro se* and *In Forma Pauperis* (“IFP”) in this civil rights action, filed a motion to appoint counsel. (ECF No. 21.) He requests appointment of counsel because: (1) he cannot afford to hire a lawyer; (2) the case involves complex legal issues; (3) his access to the law library is limited; (4) he is not sufficiently trained in legal matters and (5) lawyers that he has contacted have not responded. *Id.* at pp. 1-2.

“There is no constitutional right to appointed counsel in a § 1983 action.” *Rand v. Rowland*, 113 F.3d 1520, 1525 (9th Cir. 1997) (citing *Storseth v. Spellman*, 654 F.2d 1349, 1353 (9th Cir. 1981)); see also *Hedges v. Resolution Trust Corp. (In re Hedges)*, 32 F.3d 1360, 1363 (9th Cir. 1994) (“[T]here is no absolute right to counsel in civil proceedings.”) (citation omitted). Federal courts do not have the

1 authority “to make coercive appointments of counsel.” *Mallard v. United States*
2 *District Court*, 490 U.S. 296, 310 (1989); *see also United States v. \$292,888.04 in*
3 *U.S. Currency*, 54 F.3d 564, 569 (9th Cir. 1995).

4 Districts courts have discretion, however, pursuant to 28 U.S.C. § 1915(e)(1),
5 to “request” that an attorney represent indigent civil litigants upon a showing of
6 “exceptional circumstances.” *See Agyeman v. Corrections Corp. of America*, 390
7 F.3d 1101, 1103 (9th Cir. 2004); *Rand*, 113 F.3d at 1525. “A finding of the
8 exceptional circumstances of the plaintiff seeking assistance requires at least an
9 evaluation of the likelihood of the plaintiff’s success on the merits and an evaluation
10 of the plaintiff’s ability to articulate his claims ‘in light of the complexity of the
11 legal issues involved.’” *Agyeman*, 390 F.3d at 1103 (*quoting Wilborn v. Escalderon*,
12 789 F.2d 1328, 1331 (9th Cir. 1986)); *see also Terrell v. Brewer*, 935 F.2d 1015,
13 1017 (9th Cir. 1991).

14 The Court denies Plaintiff’s request, as neither the interests of justice nor
15 exceptional circumstances warrant the appointment of counsel at this time. *LaMere*
16 *v. Risley*, 827 F.2d 622, 626 (9th Cir. 1987); *Terrell*, 935 F.2d at 1017. Plaintiff has
17 thus far been able to articulate his claims, as the Court found that Plaintiff’s
18 complaint contains allegations sufficient to survive the sua sponte screening required
19 by 28 U.S.C. §§1915(e)(2) and 1915A(b). (*See ECF No. 3 .*) Moreover, it does not
20 appear that the legal issues involved are so complex that counsel is warranted at this
21 stage of the proceedings. *See Wilborn v. Escalderon*, 789 F.3d 1328, 1331 (9th Cir.
22 1986) (noting that, “If all that was required to establish successfully the complexity
23 of the relevant issues was a demonstration of the need

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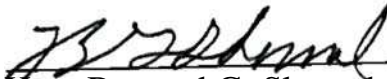
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1 for development of further facts, practically all cases would involve complex legal
2 issues.”).

3 **IT IS SO ORDERED.**

4 DATED: July 7, 2015


5 Hon. Bernard G. Skomal
6 U.S. Magistrate Judge
7 United States District Court

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