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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.
14 JESUS DANIEL MEJIA, a/k/a JESUS
15 DANIEL MEJIA VELASCO,
16 Defendant.

Case No.: 3:16-cv-00509-BEN-WVG
**ORDER DENYING MOTION TO
APPOINT COUNSEL**

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18 The United States of America has filed a Complaint to revoke the U.S. citizenship
19 of Defendant Jesus Daniel Mejia, also known as Jesus Daniel Mejia Velasco, for
20 concealing a drug offense during the naturalization process. (Compl., ECF No. 1.)

21 Defendant has moved for the appointment of counsel, contending that he cannot pay for
22 legal services and is unfamiliar with the law and judicial system. (Mot., ECF No. 9.)

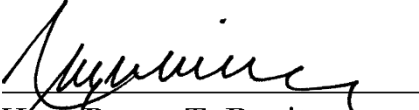
23 Courts have discretion, pursuant to 28 U.S.C. § 1915(e)(1) (1996), to appoint
24 counsel for indigent civil litigants upon a showing of exceptional circumstances. “A
25 finding of exceptional circumstances requires an evaluation of both the likelihood of
26 success on the merits and the ability of the petitioner to articulate his claims pro se in
27 light of the complexity of the legal issues involved.” *Terrell v. Brewer*, 935 F.2d 1015,
28 1017 (9th Cir. 1991) (internal citations omitted). “Neither of these factors is dispositive

1 and both must be viewed together before reaching a decision.” *Id.* (internal citations
2 omitted).

3 At this time, the Court cannot say there is any likelihood of success on the merits.
4 Moreover, Plaintiff fails to demonstrate an inability to represent himself beyond the
5 ordinary burdens encountered by plaintiffs representing themselves pro se. As to his
6 argument that he cannot afford counsel, “[m]erely alleging indigence is insufficient to
7 entitle him to appointed counsel; he must also demonstrate that he made a good faith
8 effort, but was unable, to obtain counsel.” *Garcia v. Smith*, No. 10-cv-1187, 2012 WL
9 2499003, at *4 (S.D. Cal. June 27, 2012). Plaintiff has failed to make this showing.
10 Therefore, the Court finds that the exceptional circumstances required for the
11 appointment of counsel are not present. Defendant’s Motion is **DENIED**.

12 **IT IS SO ORDERED.**

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14 Dated: October 5, 2016

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16 Hon. Roger T. Benitez
17 United States District Judge
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