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U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

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

ANTOINE L. ARDDS,  
CDCR No. P-59915,

CASE NO. 16cv2904-WQH-BLM  
ORDER

Plaintiff,

v.

D. HODGE; L. ROMERO; D.  
PARAMO; P. BARAMONTE; G.  
VALDOVINOS; RENTERIA; C.  
GARDINEZ; McGEE; SMITH,

Defendants.

HAYES, Judge:

The matters before the Court is the Motion for Appointment of Counsel filed by Plaintiff Antoine Ardds. (ECF No. 56).

**I. Procedural Background**

Antoine L. Ardds (“Plaintiff”), proceeding pro se, is currently incarcerated at the Corcoran State Prison, located in Corcoran, California. On November 16, 2016, Plaintiff filed a document entitled “Coloring Agreement,” which the Court construed as a civil rights complaint under 42 U.S.C. § 1983. (ECF No. 1). In the three months after filing his complaint, Plaintiff filed the following documents: two certified copies of his inmate trust account statement, which the Court construed as a Motion to Proceed In Forma Pauperis (“IFP”) pursuant to 28 U.S.C. § 1915(a) (ECF Nos. 2, 15); a Supplemental Complaint (ECF No. 8); two documents titled Ex Parte Motions, which the Court construed to be Supplemental Documents in Support of Complaint (ECF Nos. 12, 14); a Motion for Preliminary Injunction (ECF No. 6); a Motion to Dismiss

1 Improperly Named Defendant (ECF No. 10); and an Ex Parte Notice (ECF No. 4).

2 On February 28, 2017, this Court granted Plaintiff's Motion to Proceed In Forma  
3 Pauperis, denied the Motion for Preliminary Injunction, granted the Motion to Dismiss  
4 an improperly named defendant, and dismissed the Complaint for failing to state a  
5 claim upon which relief could be granted. (ECF No. 18).

6 On March 27, 2017, Plaintiff filed a First Amended Complaint ("FAC"). (ECF  
7 No. 23). On May 4, 2017, this Court found Plaintiff's FAC "contained factual content  
8 sufficient to survive the 'low threshold' for proceeding past the sua sponte screening  
9 required by 28 U.S.C. §§ 1915(e)(2) and 1915A(b)." (ECF No. 24 at 9).

10 On August 3, 2017, Plaintiff filed a motion for appointment of counsel. (ECF  
11 No. 56). The record reflects that Defendants have not filed any response to the motion.

12 On November 22, 2017, the Court issued an Order denying ten motions for  
13 injunctive relief filed by Plaintiff. (ECF No. 93).

## 14 **II. Motion for Appointment of Counsel**

15 Plaintiff moves the Court for an order appointing counsel to represent him in this  
16 action pursuant to 28 U.S.C. § 1915(e)(1). (ECF No. 56). Plaintiff asserts that he is  
17 unable to afford counsel and is a mentally disabled pro se prisoner. *Id.* at 1. Plaintiff  
18 contends that "at times, his mental health will greatly limit his ability to litigate." *Id.*  
19 Plaintiff contends that "the issues invoked in this case are complex and will require  
20 significant research and investigation, Plaintiff has limited access to the library and  
21 limited knowledge of the law." *Id.*

22 A plaintiff has no absolute right to appointed counsel in a civil proceeding.  
23 *Palmer v. Valdez*, 560 F.3d 965, 970 (9th Cir. 2009); *Hedges v. Resolution Trust Corp.*,  
24 32 F.3d 1360, 1363 (9th Cir. 1994). Thus, federal courts do not have the authority "to  
25 make coercive appointments of counsel." *Mallard v. U.S. District Court*, 490 U.S. 296,  
26 310 (1989); *see also United States v. \$292,888.04 in U.S. Currency*, 54 F.3d 564, 569  
27 (9th Cir. 1995). District courts have discretion, however, pursuant to 28 U.S.C. §  
28 1915(e)(1), to "request" that an attorney represent indigent civil litigants upon a

1 showing of “exceptional circumstances.” See *Agyeman v. Corrs. Corp. of Am.*, 390  
2 F.3d 1101, 1103 (9th Cir. 2004). “When determining whether ‘exceptional  
3 circumstances’ exist, a court must consider ‘the likelihood of success on the merits as  
4 well as the ability of the petitioner to articulate his claims pro se in light of the  
5 complexity of the legal issues involved.’” *Palmer*, 560 F.3d 965, 970 (9th Cir. 2009)  
6 (quoting *Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir. 1983)).

7 The Court has evaluated the likelihood of success of Plaintiff’s claims and  
8 Plaintiff’s ability to articulate his claims in light of the complexity of the legal issues  
9 involved. Based on the filings to date, Plaintiff has demonstrated an ability to  
10 articulate his claims. Plaintiff has filed multiple documents with the Court which  
11 effectively articulate his legal positions. The Court concludes that it is premature to  
12 determine that Plaintiff has a likelihood of success on the merits at this stage in the  
13 proceedings. The Court concludes that Plaintiff has not demonstrated “exceptional  
14 circumstances” supporting the appointment of counsel at this stage in the proceedings.  
15 *Palmer*, 560 F.3d at 970.

16 **III. Conclusion**

17 IT IS HEREBY ORDERED that the Motion for Appointment of Counsel is  
18 DENIED without prejudice. (ECF No. 56).

19  
20 DATED: \_\_\_\_\_

11/27/17



21 **WILLIAM Q. HAYES**  
22 United States District Judge  
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