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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA

10
11 ROBERT TAYLOR,

12 Plaintiff,

13 v.

14 DANIEL PARAMO, R. DIN, BRACAMONTE, A.
15 AGUIRRE, M. RICO, DANAL, AVILES, F.
16 LOPEZ, J. CURIEL, M. SIGALA, AND R.
17 CRAIG,

18 Defendants.

Case No.: 18CV942-MMA(BLM)

**ORDER DENYING PLAINTIFF'S
MOTION FOR APPOINTMENT OF
COUNSEL**

[ECF No. 21]

19 On September 12, 2018, Plaintiff filed a request for appointment of counsel that was
20 accepted by the Court on discrepancy on September 20, 2018. ECF Nos. 20 and 21. Plaintiff
21 requests that the Court appoint counsel to represent his interests in the instant matter. Id. at
22 2-3. In support, Plaintiff states that (1) he has a meritorious claim, (2) his ability to collect
23 evidence and conduct discovery is limited due to his incarceration, (3) he may suffer retaliation
24 at the hands of prison officials for conducting discovery and investigating his case, (4) credibility
25 issues will be an important factor in this case, (5) he is not a "jailhouse lawyer" and has a limited
26 education, (6) complex legal and factual issues will arise in this matter, and (7) this case may
27 be tried before a jury. Id. For the following reasons, Plaintiff's motion is **DENIED**.

28 The Constitution provides no right to appointment of counsel in a civil case unless an

1 indigent litigant may lose his physical liberty if he loses the litigation. See Olson v. Smith, 609
2 F. App'x 370, 372 (9th Cir. 2015) (“[a]s a general proposition, a civil litigant has no right to
3 counsel”) (citing Lassiter v. Dep’t of Soc. Servs., 452 U.S. 18, 25 (1981) (“[t]he pre-eminent
4 generalization that emerges from this Court’s precedents on an indigent’s right to appointed
5 counsel is that such a right has been recognized to exist only where the litigant may lose his
6 physical liberty if he loses the litigation”). However, under 28 U.S.C. § 1915(e)(1), courts are
7 granted discretion to appoint counsel for indigent persons under “exceptional circumstances.”
8 Agyeman v. Corr. Corp. of Am., 390 F.3d 1101, 1103 (9th Cir. 2004). A finding of exceptional
9 circumstances demands at least “an evaluation of the likelihood of the plaintiff’s success on the
10 merits and an evaluation of the plaintiff’s ability to articulate his claims `in light of the complexity
11 of the legal issues involved.” Id. (quoting Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th Cir.
12 1986)).

13 Thus far, Plaintiff has drafted and submitted pleadings and motions without the assistance
14 of counsel. See Docket. In addition to the instant motion, he has submitted a complaint (ECF
15 No. 1), a motion to proceed *in forma pauperis* (ECF No. 2), a prisoner trust fund account
16 statement (ECF No. 3), and a motion to amend the complaint (ECF No. 7). From the Court’s
17 review of these documents, it is clear that Plaintiff is able to articulate the claims of his case. In
18 addition, Plaintiff does not demonstrate a likelihood of success on the merits such that his case
19 should be classified as an “exceptional circumstance[.]” Agyeman, 390 F.3d at 1103; see also
20 Wilborn, 789 F.2d at 1331. Because Plaintiff has not alleged the requisite “exceptional
21 circumstances” at this time, the Court **DENIES** without prejudice Plaintiff’s request for
22 appointment of counsel.

23 **IT IS SO ORDERED.**

24 Dated: 9/20/2018

25 
26 Hon. Barbara L. Major
27 United States Magistrate Judge
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