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IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF MONTANA
 MISSOULA DIVISION

MICHAEL E. SPREADBURY,

Plaintiff,

v.

BITTERROOT PUBLIC LIBRARY,
 CITY OF HAMILTON, LEE
 ENTERPRISES, INC., and BOONE
 KARLBERG P.C.

Defendants.

Cause No. CV-11-064-M-DWM

**DEFENDANTS' JOINT BRIEF IN
 OPPOSITION TO PLAINTIFF'S
 MOTION TO APPOINT COUNSEL**

INTRODUCTION

On behalf of Defendants Bitterroot Public Library, Dr. Robert Brophy, Trista Smith, Nansu Roddy, City of Hamilton, Jerry Steele, Steve Snively, Steven Bruner-Murphy, Ryan Oster, Kenneth S. Bell and Jennifer B. Lint, this responds to Plaintiff's motion, dated May 2, 2011, to have the Court appoint counsel for Plaintiff. It would be an abuse of discretion to grant the motion. The law does not require court-appointed counsel in the civil suit which Plaintiff initiated, and the circumstances do not justify a request for representation under the *in forma pauperis* statute.

DISCUSSION

The Sixth Amendment to the United States Constitution gives criminal defendants the right to appointment of counsel. However, this is a civil suit which Plaintiff brought against the Defendants. It was Plaintiff's choice to bring this suit. Plaintiff's request has no basis in the law. There is no constitutional or statutory right requiring the appointment of counsel in a civil case. *Nicholson v. Rushen*, 767 F.2d 1426, 1427 (9th Cir. 1985); *see also Cookish v. Cunningham*, 787 F.2d 1, 2 (1st Cir. 1986).

Next, it would be an abuse of discretion for the Court to request that an attorney represent Plaintiff under 28 U.S.C. § 1915(e). To begin with, Plaintiff's

allegations of poverty are suspect. On May 11, 2010, Plaintiff filed a motion to proceed in forma pauperis (Doc. #1) in *Spreadbury v. Hoffman, et al.*, Cause No. CV-10-00049-M-DWM-JCL. In response to questions Nos. 8 and 9, he indicated that he does not own real property and his housing is provided by his girlfriend. However, on July 28, 2010, Plaintiff deeded his interest in his home at 700 South Fourth Street, Hamilton, Montana, to Mary Miller for \$1.-00. [Ravalli County Document 633337 (attached as Exh. A).] Similarly, in *Spreadbury v. Kenneth S. Bell*, Cause No. DV-10-639, in the Twenty-First Judicial District Court, Ravalli County, Montana, Plaintiff is refusing to answer discovery directed at his alleged damages, including his sources of income.

In any event, Plaintiff has not demonstrated the circumstances in this case call for a request for an attorney to represent Plaintiff. *See, e.g., U.S. v. Kaczynski*, 306 F. Supp. 2d 952 (E.D. Cal. 2004). Specifically, Plaintiff has not shown the presence of counsel will alter the outcome or improve Plaintiff's ability to articulate his claims. As understood, Plaintiff does not believe lawyers or judges are as capable as he is. For example, in an email to Natasha Jones on May 3, 2011, concerning a motion to dismiss, Plaintiff wrote, "I am sure to get a kick out of your motion" and "I seem to always hand your backsides to your partners in oral argument." Similarly, in his Petition for Rehearing, dated April 19, 2011, in

Spreadbury v. Kenneth S. Bell, Cause No. DA 10-442, Montana Supreme Court, Plaintiff writes, “the adherence of law escapes the Honorable Court . . .”. He also wrote, “the Plaintiff will not belittle this Honorable Court to question the ability to understand the English Language, or comprehend written prose . . .”. Next, Plaintiff writes that the Montana Supreme Court failed to make “a distinction a 7th grade government student would understand . . .”. (Petition for Rehearing, Cause No. DA 10-442, pp. 1 and 3). In any event, in Plaintiff’s view, the result in this lawsuit will not resolve things. According to Plaintiff’s email, dated May 3, 2011, to Ms. Jones, “This is far from over, even if you get what you want Ms. Jones.”

CONCLUSION

Plaintiff’s request for the Court to appoint him counsel should be denied. While Plaintiff should be encouraged to seek representation, he has no right to the appointment of an attorney, and a request of representation by the Court is not supported by the circumstances in this action.

DATED this 4th day of May, 2011.

/s/ William L. Crowley _____
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Hamilton and Boone Karlberg P.C.

CERTIFICATE OF COMPLIANCE

Pursuant to Rule 7(d)(2)(E), Local Rules of the United States District Court, District of Montana, I hereby certify that the textual portion of the foregoing brief uses a proportionally spaced Times New Roman typeface of 14 point; is double spaced; and contains approximately 596 words, excluding the parts of the brief exempted by L.R. 7(d)(2)(E).

DATED this 4th day of May, 2011.

/s/ William L. Crowley
William L. Crowley
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*Attorneys for Defendants Bitterroot
Public Library, City of Hamilton and
Boone Karlberg P.C.*

CERTIFICATE OF SERVICE

I hereby certify that, on the 4th day of May, 2011, a copy of the foregoing document was served on the following persons by the following means:

- 1 CM/ECF
- Hand Delivery
- 2 Mail
- Overnight Delivery Service
- Fax
- E-Mail

1. Clerk, U.S. District Court
2. Michael E. Spreadbury
 700 South Fourth Street
 Hamilton, MT 59840

/s/ William L. Crowley
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