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2	UNITED STATES DISTRICT COURT
3	DISTRICT OF NEVADA
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5	KEVIN KUNEMUND,
6	Plaintiff,
7) 2:10-cv-01465-JCM-LRL v.)
8	MOUNTAIN VIEW HOSPITAL, <i>et. al.</i> ,
9) Defendants.
10)
11	Before the court is plaintiff's Motion for Appointment of Counsel (#2).
12	The court may appoint counsel under 28 U.S.C. § 1915 only under exceptional circumstances.
13	Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991). "A finding of exceptional circumstances
14	requires an evaluation of both the likelihood of success on the merits and the ability of the petitioner
15	to articulate his claims pro se in light of the complexity of the legal issues involved. Neither of these
16	factors is dispositive and both must be viewed together before reaching a decision." Id. (citations and
17	internal quotation marks omitted). In this case, plaintiff has demonstrated sufficient writing ability and
18	legal knowledge to articulate his claims, and the facts alleged and issues raised are not of substantial
19	complexity. However, it is difficult to determine whether there is a likelihood of success on the merits
20	of plaintiff's claims at this early stage of the proceeding. Therefore, the court will revisit the issue of
21	appointed counsel once defendants have had an opportunity to respond to the lawsuit.
22	Plaintiff should be aware that the federal court has no authority to require attorneys to represent
23	indigent litigants in civil cases under § 1915. Mallard v. United States Dist. Court, 490 U.S. 296, 301
24	(1989). Rather, when a court "appoints" an attorney, it can only do so if the attorney voluntarily accepts
25	the assignment. Id. The court has no funds to pay for attorney fees in civil matters, such as this one.
26	Therefore, it is often difficult to find attorneys willing to work on a case without payment. For these

1	reasons, plaintiff should attempt to procure his own counsel on a contingency, pro bono, or other bas
2	if at all possible.
3	DATED this 25th day of October, 2010.
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7	LAWRENCE R. LEAVITT UNITED STATES MAGISTRATE JUDGE
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