

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

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6 HYRUM JOSEPH WEST,
7 Plaintiff,

8 vs.
9 NYE COUNTY, et al.,
10 Defendants.

2:13-cv-00271-APG-VCF
ORDER

11 Before the Court is the Motion for Appointment of Counsel (ECF No. 76).

12 A litigant in a civil rights action does not have a Sixth Amendment right to appointed counsel.
13 *Storseth v. Spellman*, 654 F.2d 1349, 13253 (9th Cir. 1981).

14 The court may appoint counsel under 28 U.S.C. § 1915 only under exceptional circumstances.
15 *Terrell v. Brewer*, 935 F.2d 1015, 1017 (9th Cir. 1991). “A finding of exceptional circumstances requires
16 an evaluation of both the likelihood of success on the merits and the ability of the petitioner to articulate
17 his claims pro se in light of the complexity of the legal issues involved. Neither of these factors is
18 dispositive and both must be viewed together before reaching a decision.” *Id.* (citations and internal
19 quotation marks omitted).

20 The court has reviewed the complaint and filings in this case. Here, the Court finds exceptional
21 circumstances that warrant the appointment of counsel.

22 Accordingly, IT IS HEREBY ORDERED that the Motion for Appointment of Counsel (ECF No.
23 76) is GRANTED.

24 This case is referred to the Pilot Pro Bono Program ("Program") adopted in General Order 2017-
25 07 for the purpose of screening for financial eligibility (if necessary) and identifying counsel willing to be

1 appointed as pro bono counsel for Plaintiff. The scope of appointment shall be for all purposes through
2 the conclusion of trial. By referring this case to the Program, the Court is not expressing an opinion as to
3 the merits of the case.

4 IT IS HEREBY ORDERED that this case is referred to the Pro Bono Program for appointment of
5 counsel for the purposes identified herein.

6 IT IS FURTHER ORDERED that the Clerk shall also forward this order to the Pro Bono Liaison.

7 DATED this 16th day of July, 2018.



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9 CAM FERENBACH
10 UNITED STATES MAGISTRATE JUDGE
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