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UNITED STATES DISTRICT COURT

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DISTRICT OF NEVADA

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BRANDYN GAYLER,

Case No. 2:14-cv-769-APG-CWH

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Plaintiff,

Order

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v.

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HIGH DESERT STATE PRISON et al.,

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Defendants.

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I. DISCUSSION

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On July 7, 2014, this Court entered a screening order and stayed the case for 90 days to give the parties an opportunity to settle their dispute. (Dkt. #6). On October 23, 2014, Defendants filed a status report indicating that the parties had not reached a settlement and that Defendants intended to proceed with the action. (Dkt. #13).

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On October 24, 2014, Plaintiff, *pro se*, filed a motion to certify a class. (Dkt. #14). Plaintiff asserts that if a class-action is too complex for him to handle *pro se* then the Court should appoint counsel. (*Id.* at 10).

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Pro se litigants have the right to plead and conduct their own cases personally. See 28 U.S.C. § 1654. However, *pro se* litigants have no authority to represent anyone other than themselves. See *Cato v. United States*, 70 F.3d 1103, 1105 n.1 (9th Cir. 1995); *C.E. Pope Equity Trust v. United States*, 818 F.2d 696, 697 (9th Cir. 1987).

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A litigant does not have a constitutional right to appointed counsel in 42 U.S.C. § 1983 civil rights claims. *Storseth v. Spellman*, 654 F.2d 1349, 1353 (9th Cir. 1981). Pursuant to 28 U.S.C. § 1915(e)(1), “[t]he court may request an attorney to represent any person unable to afford counsel.” However, the court will appoint counsel for

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1 indigent civil litigants only in “exceptional circumstances.” *Palmer v. Valdez*, 560 F.3d
2 965, 970 (9th Cir. 2009) (§ 1983 action). “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 complexity
5 of the legal issues involved.” *Id.* “Neither of these considerations is dispositive and
6 instead must be viewed together.” *Id.*

7 The Court denies the motion to certify a class. First, Plaintiff, who is *pro se*, may
8 not represent anyone but himself in this litigation. Second, the Court does not find
9 exceptional circumstances in Plaintiff’s case that would warrant the appointment of
10 counsel in Plaintiff’s individual case. As such, the Court denies Plaintiff’s motion to
11 certify a class and appoint counsel at this time.

12 **II. CONCLUSION**

13 For the foregoing reasons,

14 **IT IS ORDERED** that the motion to certify a class (Dkt. #14) is denied.

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16 DATED this 3rd day of November, 2014.



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United States District Judge

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