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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

GRAHAM MILLER,
Plaintiff,

vs.

BRIAN WILLIAMS, et al.,
Defendants.

2:16-cv-00895-MMD-VCF

REFERRAL TO PRO BONO PROGRAM

12 Plaintiff has filed a motion seeking appointment of counsel. (ECF No. 17). Defendants opposed.
13 (ECF No. 19).

14 A litigant in a civil rights action does not have a Sixth Amendment right to appointed counsel.
15 *Storseth v. Spellman*, 654 F.2d 1349, 13253 (9th Cir. 1981). The court may appoint counsel under 28
16 U.S.C. § 1915 only under exceptional circumstances. *Terrell v. Brewer*, 935 F.2d 1015, 1017 (9th Cir.
17 1991). “A finding of exceptional circumstances requires an evaluation of both the likelihood of success
18 on the merits and the ability of the petitioner to articulate his claims pro se in light of the complexity of
19 the legal issues involved. Neither of these factors is dispositive and both must be viewed together before
20 reaching a decision.” *Id.* (citations and internal quotation marks omitted). The court has reviewed the
21 complaint and filings in this case. Here, the Court finds that exceptional circumstances that warrant the
22 appointment of counsel.

23 This case is referred to the Pilot Pro Bono Program ("Program") adopted in General Order 2016-
24 02 for the purpose of screening for financial eligibility (if necessary) and identifying counsel willing to be
25 appointed as pro bono counsel for Plaintiff. The scope of appointment shall be for all purposes through


1 the conclusion of trial. By referring this case to the Program, the Court is not expressing an opinion as to
2 the merits of the case.

3 Accordingly,

4 **IT IS HEREBY ORDERED** that the Motion for Appointment of Counsel (ECF No. 17) is
5 GRANTED.

6 **IT IS FURTHER ORDERED** that this case is referred to the Pro Bono Program for appointment
7 of counsel for the purposes identified herein.

8 **IT IS FURTHER ORDERED** that the Clerk shall also forward this order to the Pro Bono
9 Liaison. DATED this 25th day of July, 2017.

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12 CAM FERENBACH
13 UNITED STATES MAGISTRATE JUDGE
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