

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

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4 DAVID GONZALEZ,

5 Plaintiff,

6 vs.

7 CLARK COUNTY, EX REL-THE CLARK  
8 COUNTY SHERIFF'S OFFICE, SGT.  
ASPIAZU, 7117, CO HOOD, #9902, et al.,

9 Defendants.

2:17-cv-00607-JAD-VCF

**ORDER**

10 Plaintiff has filed a motion for appointment of counsel. (ECF No. 25). No opposition has been  
11 filed.

12 This is a removal case from the Eighth Judicial District Court on February 24, 2017. (ECF No. 1).  
13 An inmate early mediation was never scheduled. Here, Plaintiff asks this court to appoint Travis Barrick  
14 as his counsel of record.

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

17 The court may appoint counsel under 28 U.S.C. § 1915 only under exceptional circumstances.  
18 *Terrell v. Brewer*, 935 F.2d 1015, 1017 (9th Cir. 1991). "A finding of exceptional circumstances requires  
19 an evaluation of both the likelihood of success on the merits and the ability of the petitioner to articulate  
20 his claims pro se in light of the complexity of the legal issues involved. Neither of these factors is  
21 dispositive and both must be viewed together before reaching a decision." *Id.* (citations and internal  
22 quotation marks omitted). The court has reviewed the complaint and filings in this case. The claims here  
23 are not complex. Given the nature of the claims, this case is referred to the inmate early mediation  
24 program.

1 This case is also referred to the Pro Bono Program ("Program") adopted in General Order 2016-  
2 02 for the purpose of screening for financial eligibility (if necessary) and identifying counsel willing to be  
3 appointed as pro bono counsel for Plaintiff. The scope of appointment shall be for the limited purpose of  
4 representation at the Inmate Early Mediation. By referring this case to the Program, the Court is not  
5 expressing an opinion as to the merits of the case. Accordingly,

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


8 IT IS FURTHER ORDERED that the Clerk will forward this order to the Pro Bono Liaison.

9 IT IS FURTHER ORDERED that this case is referred to the Inmate Early Mediation program, and  
10 the court will enter a subsequent order.

11 IT IS FURTHER ORDERED that this case is stayed for 60 days to allow the parties an opportunity  
12 to settle their dispute.

13 IT IS FURTHER ORDERED that Plaintiff's motion for appointment of counsel (ECF No. 25) is  
14 GRANTED in part and DENIED in part, as stated above.

15 DATED this 12th day of September, 2017.

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18 CAM FERENBACH  
19 UNITED STATES MAGISTRATE JUDGE  
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