v.

## UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

BOBBI THATCHER,

Plaintiff(s),

BANK OF AMERICA, N.A., et al.,

Defendant(s).

Case No. 2:18-cv-00085-JAD-NJK ORDER (Docket No. 2)

Pending before the Court is a motion for appointment of counsel. Docket No. 2. 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). The court will appoint counsel for indigent civil litigants only in "exceptional circumstances." *Palmer v. Valdez*, 560 F.3d 965, 970 (9th Cir. 2009). "When determining whether 'exceptional circumstances' exist, a court must consider 'the likelihood of success on the merits as well as the ability of the petitioner to articulate his claims *pro se* in light of the complexity of the legal issues involved." *Id.* "Neither of these considerations is dispositive and instead must be viewed together." *Id.* In the instant case, the Court does not find exceptional circumstances that warrant the appointment of counsel, and Plaintiff's motion for appointment counsel is therefore **DENIED**.

IT IS SO ORDERED.

Dated: January 17, 2018

NANCY J. KOPPE UNITED STATES MAGISTRATE JUDGE