

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

Steve Podkulski

v.

Civil No. 11-cv-102-JL

Jane Doe, et al.

O R D E R

Before the court is Steve Podkulski's motion for court-appointed counsel (doc. no. 9). Podkulski states that he is unable to afford counsel, and that his limited legal "know how" will hinder his ability to litigate this matter if counsel is not appointed to represent him. Further, Podkulski states that he is living in Illinois and does not have the same access to New Hampshire law books that he would have if he were still in a New Hampshire jail.

There is no absolute constitutional right to free legal representation in a civil case. See Bemis v. Kelley, 857 F.2d 14, 15 (1st Cir. 1988). Rather, appointment of counsel in a civil case is left to the discretion of the court. See 28 U.S.C. § 1915(d). An appointment of counsel would be warranted in a case where the indigent litigant can show that there are "exceptional circumstances" such that, without counsel, the litigant would most likely be unable to obtain due process of law. See DesRosiers v. Moran, 949 F.2d 15, 23 (1st Cir. 1991);

Cookish v. Cunningham, 787 F.2d 1, 2 (1st Cir. 1986) (per curiam).

In the case at hand, Podkulski has failed to establish the existence of such exceptional circumstances. There is no reason at this time to believe that Podkulski will be unable to adequately represent himself in this matter. Accordingly, Podkulski's motion for appointment of counsel (doc. no. 9) is DENIED without prejudice to Podkulski renewing his request should circumstances warrant.

SO ORDERED.



Landya B. McCafferty
United States Magistrate Judge

Date: October 31, 2011

cc: Steve Podkulski, pro se

LBM:jba