

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

Armando Lisasuain

v.

Civil No. 12-cv-224-PB

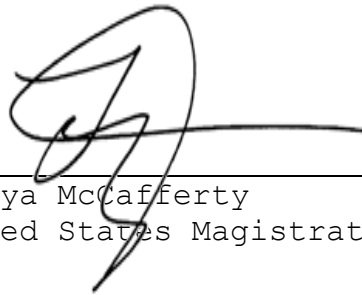
Justin Goulding

O R D E R

Before the court is pro se plaintiff Armando Lisasuain's motion for court-appointed counsel (doc. no. 32). Defendant objects (doc. no. 33). Lisasuain seeks the appointment of counsel because, he asserts, he was unable to effectively conduct his own legal research and do his legal work at the Hillsborough County Department of Corrections ("HCDC"), and because HCDC personnel refused to provide him with free postage for letters he wrote seeking representation from attorneys. Approximately one week after filing this motion, Lisasuain was transferred to the New Hampshire State Prison ("NHSP").

There is no federal constitutional right to counsel in a civil case. The court generally has discretion to deny an appointment, unless the indigent litigant shows that his case presents exceptional circumstances, such that fundamental unfairness, impinging upon the right to due process, is likely

to result if counsel is not appointed. See DesRosiers v. Moran, 949 F.2d 15, 23 (1st Cir. 1991). Lisasuain has not demonstrated any such extraordinary circumstances. Further, Lisasuain is no longer subject to the policies and conditions at the HCDC, and has not complained that he is unable access the legal resources he needs at the NHSP. Accordingly, the motion to appoint counsel (doc. no. 32) is denied without prejudice to refiling if exceptional circumstances should arise warranting such an appointment.



Landya McCafferty
United States Magistrate Judge

May 8, 2013

cc: Armando Lisasuain, pro se
John Curran, Esq.

LBM:jba