

1 **WO**

2

3

4

5

6

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

7

8

9

Joseph C. Holmes,

)

No. CV-08-190-PHX-DGC

10

Plaintiff,

)

ORDER

11

vs.

)

12

Russell Barker, a Police Officer for the
City of Clinton, Tennessee, et al.

)

13

Defendants.

)

14

15

16

On September 19, 2008, the Court issued an order denying Plaintiff's motion for appointment of counsel. Dkt. #19. Plaintiff has filed a motion for reconsideration of that order. Dkt. #21.

19

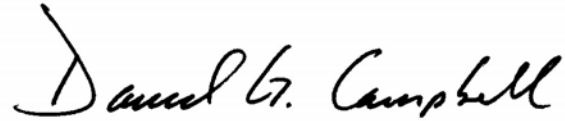
Motions for reconsideration are disfavored and should be granted only in rare circumstances. *See Ross v. Arpaio*, No. CV 05-4177-PHX-MHM (ECV), 2008 WL 1776502, at *2 (D. Ariz. April 15, 2008); *Motorola, Inc. v. J.B. Rodgers Mech. Contractors, Inc.*, 215 F.R.D. 581, 586 (D. Ariz. 2003). The arguments and evidence presented in support of the instant motion do not change the Court's prior conclusion that Plaintiff has failed to demonstrate a likelihood of success on the merits or that any difficulty he is experiencing in attempting to litigate his case is due to the complexity of the issues involved. *See* Dkt. #19 at 2 (citing *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986)); *see also Terrell v. Brewer*, 935 F.2d 1015, 1017 (9th Cir. 1991) (district court did not abuse its discretion by refusing to appoint counsel where the plaintiff had sufficient writing ability and legal

28

1 knowledge to articulate his claim, the facts alleged and issues raised were not of substantial
2 complexity, and it was not likely that he would succeed on the merits). The Court
3 accordingly will deny Plaintiff's motion.

4 **IT IS ORDERED** that Plaintiff's motion for reconsideration (Dkt. #21) is **denied**.

5 DATED this 19th day of November, 2008.

6
7 

8
9

10 David G. Campbell
11 United States District Judge
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28