

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

M.S.,

Plaintiff,

vs.

UNITED STATES, ET AL.

Defendants.

Case No. 4:22-CV-08924-YGR

ORDER DENYING MOTION FOR
APPOINTMENT OF COUNSEL

The Court has reviewed defendant John Russell Bellhouse’s Motion for Appointment of Counsel. (Dkt. No. 80.)

In contrast to criminal proceedings, there generally is no constitutional right to counsel in civil actions. *United States v. 30.64 Acres of Land*, 795 F.2d 796, 801 (9th Cir. 1986) (“There is normally . . . no constitutional right to counsel in a civil case.”). In proceedings *in forma pauperis*, the Court has the statutory power only to “request an attorney to represent any person unable to afford counsel.” 28 U.S.C. § 1915(e)(1). This decision of whether to request counsel is within the discretion of the district court and is “granted only in exceptional circumstances.” *See Agyeman v. Corr. Corp. of Am.*, 390 F.3d 1101, 1103 (9th Cir. 2004) (quoting *Franklin v. Murphy*, 745 F.2d 1221, 1236 (9th Cir. 1984)). Deciding whether “exceptional circumstances” exist requires an evaluation of the likelihood of defendant’s success on the merits as well as defendant’s ability to articulate his claims *pro se* in light of the complexity of the legal issues. *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986) (citing *Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir. 1983)).

At this stage of the proceedings, the Court is unable to determine whether the exceptional circumstances required for requesting counsel are present here. Accordingly, defendant’s Motion for Appointment of Counsel is **DENIED WITHOUT PREJUDICE**. The Court may reconsider on its own motion and request appointment of counsel later in the proceedings.

1 The Court advises defendant that a handbook for self-represented litigants as well as templates
2 for commonly used documents and other helpful information can be found at:
3 <https://cand.uscourts.gov/about/court-programs/legal-help-desks/> The handbook is also available in
4 hard copy, free of charge, from the Clerk's Office. Additional assistance may be available by making
5 an appointment with the Legal Help Center. **There is no fee for this service.** To make an
6 appointment with the Legal Help Center, call 415-782-8982 or email
7 federalprobonoproject@sfbar.org.
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9 This Order Terminates Docket Number 80.

10 **IT IS SO ORDERED.**

11 **Date:** June 10, 2024

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13 YVONNE GONZALEZ ROGERS
14 UNITED STATES DISTRICT COURT JUDGE
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