

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MALIBU MEDIA, LLC,

Plaintiff,  
v.  
AMER ARAJ,  
Defendant.

Case No. 2:15-cv-10298  
District Judge Gerald E. Rosen  
Magistrate Judge Anthony P. Patti

**ORDER DENYING WITHOUT PREJUDICE PLAINTIFF'S REQUEST  
FOR APPOINTMENT OF COUNSEL (DE 13)**

This matter is before the Court for consideration of Defendant Amer Araj's request for appointment of a public defender. (DE 13.) For the reasons that follow, Defendant's motion is **DENIED WITHOUT PREJUDICE**.

**I. BACKGROUND AND ANALYSIS**

This is a copyright infringement case, in which Plaintiff alleges that Defendant used the BitTorrent file distribution network to copy and distribute twenty-two pieces of copyrighted work. To date, Defendant has proceeded *pro se* in this action. He filed the instant request on June 30, 2015, stating only that he "would like to request a court appointed public defender, as I cannot afford one." (DE 13.)

## II. ANALYSIS

Although Defendant styles his motion as one for appointment of counsel, the Court does not have the authority to appoint a private attorney (or a public defender) for Plaintiff in this civil matter. *Dewitt v. Corizon*, 760 F.3d 654, 657 (6th Cir. 2014) (“[t]here is no right to recruitment of counsel in federal civil litigation . . .”). The Supreme Court has held that there is a presumption that “an indigent litigant has a right to appointed counsel only when, if he loses, he may be deprived of his physical liberty.” *Lassiter v. Dep’t of Soc. Servs.*, 452 U.S. 18, 26-27 (1981).

Applying the foregoing authority, Defendant has not described any circumstances to justify a request for appointment of counsel. Accordingly, at this time, Defendant’s motion to appoint counsel is **DENIED WITHOUT PREJUDICE.** (DE 13.) Defendant may petition the Court for the recruitment of *pro bono* counsel if this case survives dispositive motion practice, proceeds to trial, or if other circumstances demonstrate such a need in the future.

**IT IS SO ORDERED.**

Dated: June 30, 2015

s/Anthony P. Patti

Anthony P. Patti

UNITED STATES MAGISTRATE JUDGE

I hereby certify that a copy of the foregoing document was sent to parties of record on June 30, 2015, electronically and/or by U.S. Mail.

s/ Michael Williams  
Case Manager to the  
Honorable Anthony P. Patti