

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MALIBU MEDIA, LLC,

Plaintiff,

v.

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

AMER ARAJ,

Defendant.

**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