

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JAN 12 2023

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

HERIBERTO TORIBIO-RUIZ,

No. 22-15013

Plaintiff-Appellant,

D.C. No.

v.

3:17-cv-00674-MMD-CLB

ISIDRO BACA, Warden; et al.,

MEMORANDUM*

Defendants-Appellees.

Appeal from the United States District Court
for the District of Nevada
Miranda M. Du, Chief District Judge, Presiding

Submitted January 11, 2023**
San Francisco, California

Before: WALLACE, SILVERMAN, OWENS, Circuit Judges.

Heriberto Toribio-Ruiz appeals pro se from the district court's denial of his motions for the appointment of counsel. We have jurisdiction pursuant to 28 U.S.C. § 1291. We review a district court's denial of a motion to appoint counsel for abuse of discretion. *See Palmer v. Valdez*, 560 F.3d 965, 970 (9th Cir. 2009). We affirm.

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

There were no “exceptional circumstances” warranting the appointment of counsel. *See Terrell v. Brewer*, 935 F.2d 1015, 1017 (9th Cir. 1991). While Toribio-Ruiz had minimal formal education and no legal training, his claim at trial primarily revolved around uncomplicated questions of fact concerning the distribution of his medications. As Toribio-Ruiz did not establish a likelihood of success on the merits and as his claims were not overly complex, the district court did not abuse its discretion. *See id.*

AFFIRMED.