

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Cole v. California Department of Corrections and Rehabilitation, et
al.

Cole · No. 1:25-cv-00272 GSA (PC) · Decided April 3, 2025

SUMMARY

The United States District Court for the Eastern District of California denies George Lee Cole Jr.’s motion for appointment of counsel in his pro se 42 U.S.C. § 1983 action. The court finds that limited legal resources and lack of legal education do not establish exceptional circumstances, and that Plaintiff has adequately articulated his claims.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Gary S. Austin
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	April 3, 2025
DOCKET	1:25-cv-00272 GSA (PC)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, proceeding pro se and in forma pauperis in a civil-rights action under 42 U.S.C. § 1983, moved for appointment of counsel. The magistrate judge denied the motion.
STANDARD OF REVIEW	The court considered whether exceptional circumstances warranted requesting voluntary counsel under 28 U.S.C. § 1915(e)(1), based on the plaintiff's likelihood of success and ability to articulate claims pro se in light of the complexity of the legal issues.
PRECEDENTIAL VALUE	unpublished and nonprecedential district-court order

TOPICS

- section 1983
- civil rights
- prisoners rights
- civil procedure

PRACTICE AREAS

- civil rights
- prisoner civil rights
- civil procedure

QUESTIONS PRESENTED

1. Whether the plaintiff demonstrated exceptional circumstances warranting a request for voluntary appointment of counsel in his § 1983 action.

HOLDINGS

1. The plaintiff failed to meet his burden of demonstrating exceptional circumstances warranting the appointment of counsel at that time; lack of legal education and limited law-library access, without more, did not justify a request for voluntary counsel.

KEY QUOTATIONS

“When determining whether “exceptional circumstances” exist, the court must consider plaintiff’s likelihood of success on the merits as well as the ability of the plaintiff to articulate his claims pro se in light of the complexity of the legal issues involved.” (at 1)

FACTUAL BACKGROUND

George Lee Cole, Jr., a former state prisoner proceeding pro se and in forma pauperis, brought a § 1983 civil-rights action. He sought appointed counsel, stating that the prison yard where he was housed lacked a law room or legal clerk and that the prison would not provide legal resources. The court observed that his filings and management of the case demonstrated an adequate ability to articulate his claims.

PROCEDURAL HISTORY

Plaintiff filed a § 1983 action while incarcerated and moved for appointment of counsel. The matter was referred to a United States Magistrate Judge under 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. The court had not yet screened the complaint when it denied the motion.

DISPOSITION

other

CASES CITED

- Mallard v. United States District Court, 490 U.S. 296, 298 (1989)
- Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991)
- Wood v. Housewright, 900 F.2d 1332, 1335-36 (9th Cir. 1990)
- Palmer v. Valdez, 560 F.3d 965, 970 (9th Cir. 2009)