

**UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA**

Meraz-Espinoza v. Santoyo

No. 23-cv-05947-WHO (PR) (N.D. Cal. Apr. 15, 2025) · No. 23-cv-05947-WHO (PR) · Decided April 15, 2025

OPINION

Meraz-Espinoza v. Santoyo

PER CURIAM.

1 2 3

4 UNITED STATES DISTRICT COURT

5 NORTHERN DISTRICT OF CALIFORNIA

6 7 MOISES MERAZ-ESPINOZA, Case No. 23-cv-05947-WHO (PR) Plaintiff, 8 ORDER
EXTENDING TIME; v. 9

ORDER DENYING MOTION FOR

10 H. SANTOYO, THE APPOINTMENT OF
COUNSEL

Defendant. 11 Dkt. Nos. 28 and 31 12 13 Defendant’s motion to extend the dispositive motion
filing deadline is GRANTED. 14 (Dkt. No. 31.) Defendant shall file his dispositive motion on or
before July 7, 2025. 15 Plaintiff Meraz-Espinoza’s opposition shall be filed within 45 days after
defendant’s 16 motion is filed. Defendant’s reply shall be filed within 15 days after the opposition
is 17 filed. The motion shall be deemed submitted on the day the reply brief is due. 18 Meraz-
Espinoza has filed a motion for the appointment of counsel in which he 19 contends that his
prison law library access is insufficient, the issues in his suit are complex, 20 and he would be
better served with the assistance of counsel. (Dkt. No. 28 at 2-4.) The 21 decision to request
counsel to represent an indigent litigant under 28 U.S.C. § 1915 is 22 within “the sound discretion
of the trial court and is granted only in exceptional 23 circumstances.” Franklin v. Murphy, 745
F.2d 1221, 1236 (9th Cir. 1984). A finding of 24 “exceptional circumstances” requires an
evaluation of the likelihood of the plaintiff’s 25 success on the merits and an evaluation of the
plaintiff’s ability to articulate his claims pro 26 se in light of the complexity of the legal issues
involved. See Agyeman v. Corrections 27 Corp. of America, 390 F.3d 1101, 1103 (9th Cir. 2004).
Neither the need for discovery, 1 || nor the fact that the pro se litigant would be better served with
the assistance of counsel, 2 || necessarily qualify the issues involved as complex. See Rand v.
Rowland, 113 F.3d 1520, 3 || 1525 (9th Cir. 1997). 4 There is no doubt that not having a lawyer
puts a party at a disadvantage in our 5 || adversarial system of justice. Across the United States in
2020, unrepresented prisoners 6 || filed almost 8000 cases, roughly 16.65% of all new civil filings.
United States Courts for 7 || the Ninth Circuit, 2020 Annual Report, 8 || <https://cdn.ca9.uscourts>.

gov/datastore/judicialcouncil/publications /AnnualReport2020.pdf. 9 || The high percentage of civil litigants who cannot afford counsel threatens our ability to 10 || dispense equal justice to rich and poor alike, as the judicial oath demands. That said, I am 11 || compelled to follow controlling precedent and determine if “exceptional circumstances” 2 exist to appoint counsel in the cases before me. 5 13 Meraz-Espinoza has not shown that exceptional circumstances exist. His filings are S 14 || clear, and the suit does not present complex legal issues: his claims are that his jailors 3 15 || failed to protect him from another inmate and failed to summon medical help. a 16 || Furthermore, there is no immediate need for Meraz-Espinoza to conduct any legal 17 || research. Defendant has not filed his motion and the extension granted above will allow 18 || Meraz-Espinoza further time to access the law library insofar as any is needed at this early 19 || stage of litigation. Accordingly, the motion for the appointment of counsel is DENIED. I 20 || will reconsider the necessity of appointing counsel if circumstances warrant such action at 21 || a later date. 22 The Clerk shall terminate all pending motions. 23 IT IS SO ORDERED. 24 || Dated: April 15, 2025 . KQe 25 Y .

ILLIAM H. ORRICK

26 United States District Judge 27 28