

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Lopez v. Lee

No. 23-cv-03660-HSG (N.D. Cal. July 16, 2025) · No. 23-cv-03660-HSG · Decided July 16, 2025

SUMMARY

The United States District Court for the Northern District of California granted nunc pro tunc extensions concerning briefing on a motion to compel and granted Defendants’ request to extend the dispositive-motion deadline. The court denied Plaintiff’s renewed request for appointment of counsel, granted his request to attend future depositions by videoconference, and reset the discovery and dispositive-motion briefing schedule.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Haywood S. Gilliam, Jr.
JURISDICTION	United States District Court for the Northern District of California
DECIDED	July 16, 2025
DOCKET	23-cv-03660-HSG
DISPOSITION	other
PROCEDURAL POSTURE	Omnibus order resolving requests for extensions of time, appointment of counsel, and attendance at depositions in a pending pro se prisoner civil-rights action under 42 U.S.C. § 1983.
STANDARD OF REVIEW	Requests for extensions and deposition-related relief were evaluated for good cause. Appointment of counsel was evaluated under the exceptional-circumstances standard, considering the likelihood of success on the merits and the plaintiff's ability to articulate his claims in light of the complexity of the legal issues.
PRECEDENTIAL VALUE	Unknown; district court order with no reported citation
PARTIES	Andrew Lopez v. M. Lee, et al.

TOPICS

- discovery dispute
- civil procedure
- civil rights
- section 1983
- prisoners rights

PRACTICE AREAS

Civil rights

Prisoner civil rights

Civil procedure

QUESTIONS PRESENTED

1. Whether good cause supported extensions of time for defendants to oppose plaintiff's second motion to compel, for plaintiff to file a reply, and for defendants to file a dispositive motion.
2. Whether plaintiff had shown exceptional circumstances warranting appointment of counsel under 28 U.S.C. § 1915(e)(1).
3. Whether plaintiff should be permitted to attend depositions taken by defendants and receive related logistical assistance.

HOLDINGS

1. An indigent civil litigant is entitled to appointed counsel only in exceptional circumstances, evaluated by considering both the likelihood of success on the merits and the litigant's ability to articulate claims pro se in light of the complexity of the legal issues. Plaintiff did not establish exceptional circumstances.
2. Upon a showing of good cause, the court may grant nunc pro tunc extensions of time for filing opposition, reply, and dispositive-motion papers.
3. Plaintiff was permitted to attend any depositions taken by defendants, and defendants were ordered to provide timely notice and coordinate with the institution to facilitate his attendance by videoconference.

KEY QUOTATIONS

“The Court DENIES Plaintiff’s renewed request for counsel, Dkt. No. 63, for lack of exceptional circumstances.” (at 1)

“A finding of “exceptional circumstances” requires an evaluation of the likelihood of the plaintiff’s success on the merits and an evaluation of the plaintiff’s ability to articulate his claims pro se in light of the complexity of the legal issues involved.” (at 2)

“The request for appointment of counsel is therefore DENIED for lack of exceptional circumstances without prejudice to the Court sua sponte appointing counsel in the future should the circumstances so require.” (at 2)

FACTUAL BACKGROUND

Andrew Lopez is incarcerated at San Quentin State Prison and filed a pro se § 1983 action based on events at Pelican Bay State Prison. Defendants sought additional time to oppose a second motion to compel and to file a dispositive motion, while Lopez sought additional time to reply and requested appointment of counsel and assistance attending future depositions. Defendants did not oppose Lopez's deposition-attendance request and agreed to coordinate with the institution to facilitate his participation by videoconference.

PROCEDURAL HISTORY

Plaintiff, an inmate proceeding pro se, brought a § 1983 action concerning events at Pelican Bay State Prison. The court addressed defendants' requests for extensions of time to oppose a motion to compel and file a

dispositive motion, plaintiff's related request for additional time to reply, plaintiff's renewed request for appointment of counsel, and plaintiff's request to attend depositions. The court granted the extension and deposition-related requests, denied appointment of counsel without prejudice, deemed the previously filed opposition and reply timely, and reset the discovery and dispositive-motion deadlines.

DISPOSITION

other

CASES CITED

- *Lassiter v. Dep't of Social Services*
- *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986)
- *Agyeman v. Corrections Corp. of America*, 390 F.3d 1101, 1103 (9th Cir. 2004)