

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ALASKA

Vincent Lawrence Roberts v. Fairbanks Correctional Center and Anchorage Correctional Complex

Roberts · No. 4:25-cv-00049-SLG · Decided May 12, 2026

SUMMARY

The United States District Court for the District of Alaska grants Vincent Lawrence Roberts's application to waive prepayment of the filing fee but denies his motion for appointment of counsel. The Court gives Roberts 30 days to file a First Amended Complaint or a Notice of Voluntary Dismissal and warns that failure to do so will result in dismissal for failure to state a claim, potentially counting as an additional strike under the Prison Litigation Reform Act.

CASE DETAILS

COURT	United States District Court for the District of Alaska
WRITING FOR THE COURT	Sharon L. Gleason
JURISDICTION	United States District Court for the District of Alaska
DECIDED	May 12, 2026
DOCKET	4:25-cv-00049-SLG
DISPOSITION	other
PROCEDURAL POSTURE	Order resolving a prisoner's application to waive prepayment of the filing fee and motion for appointment of counsel, and granting one final opportunity to amend the complaint or voluntarily dismiss the action.
STANDARD OF REVIEW	The court applied the discretionary exceptional-circumstances standard governing requests for appointed counsel in civil actions and the statutory screening and filing-fee provisions of the Prison Litigation Reform Act.
PRECEDENTIAL VALUE	unpublished district court order

TOPICS

- prisoners rights
- section 1983
- motion to amend
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Plaintiff's application to waive prepayment of the filing fee should be granted under 28 U.S.C. § 1915.
2. Whether Plaintiff was entitled to appointment of counsel in this civil action.
3. Whether Plaintiff should receive additional time and a final opportunity to file a First Amended Complaint or a Notice of Voluntary Dismissal.

HOLDINGS

1. The court granted Plaintiff's application to waive prepayment of the filing fee, while explaining that the \$350 filing fee must be paid incrementally from his prisoner trust account if he proceeds with the action.
2. Plaintiff was not entitled to appointed counsel because civil litigants generally have no constitutional right to counsel and Plaintiff failed to establish exceptional circumstances warranting a discretionary request for volunteer counsel.
3. Plaintiff was granted one final 30-day opportunity to file a First Amended Complaint addressing the previously identified deficiencies or a Notice of Voluntary Dismissal; failure to file either document would result in dismissal under 28 U.S.C. § 1915(e)(2)(B) without further notice.
4. If the action is later dismissed for failure to state a claim, the dismissal will count as an additional strike under the Prison Litigation Reform Act, whereas a Notice of Voluntary Dismissal will not count as a strike.

KEY QUOTATIONS

"There is no constitutional right to appointed counsel in a civil action." (Section II)

"However, a district court's decision to request counsel for a self-represented litigant in a civil action is discretionary and granted only in exceptional circumstances," (Section II)

FACTUAL BACKGROUND

Plaintiff Vincent Lawrence Roberts is a self-represented prisoner who filed a civil-rights complaint. After screening, the court identified numerous deficiencies and gave him leave to amend or voluntarily dismiss. Plaintiff filed a fee-waiver application and a motion for appointed counsel but did not file an amended complaint.

PROCEDURAL HISTORY

The court previously screened Plaintiff's complaint, found it deficient, dismissed it for failure to state a claim, and granted leave to file a First Amended Complaint or a Notice of Voluntary Dismissal. Plaintiff subsequently filed an application to waive prepayment of the filing fee, supporting trust-account records, and a motion for appointment of counsel, but did not file an amended complaint. The court granted the fee application, denied

appointed counsel, and gave Plaintiff 30 days to file an amended complaint or notice of voluntary dismissal, warning that failure to do so would result in dismissal under 28 U.S.C. § 1915(e)(2)(B).

DISPOSITION

other

CASES CITED

- Turner v. Rogers, 564 U.S. 431, 441 (2011)
- Palmer v. Valdez, 560 F.3d 965, 970 (9th Cir. 2009)
- Aldabe v. Aldabe, 616 F.2d 1089, 1093 (9th Cir. 1980)
- Spencer v. Barajas, 140 F.4th 1061 (9th Cir. 2025)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ALASKA VINCENT LAWRENCE ROBERTS, Plaintiff, Case No. 4:25-cv-00049-SLG v. FAIRBANKS CORRECTIONAL CENTER and Anchorage Correctional Complex, Defendants. ORDER ON PENDING MOTIONS On February 10, 2026, the Court screened the Complaint filed in this case by self-represented prisoner Vincent Lawrence Roberts (“Plaintiff”) found it deficient, but granted Plaintiff leave to file a First Amended Complaint or a Notice of Voluntary Dismissal within 60 days of the date of the order.¹ On March 3, 2026, Plaintiff filed a civil cover sheet and a Prisoner Application to Waive Prepayment of the Filing Fee on District of Alaska Form PS10 with a copy of Plaintiff’s prisoner trust account.² On March 13, 2026, Plaintiff filed a motion for court-appointed counsel.³ To date, Plaintiff has not filed an amended complaint.

1 Docket 5. 2 Dockets 6-7. 3 Docket 8. I. Plaintiff’s Application to Waive Prepayment of the Filing Fee Docket 7 is GRANTED. Federal law only allows prisoners to waive the prepayment of the fees associated with civil lawsuits.⁴ Prisoners must pay the \$350 filing fee incrementally until paid in full, regardless of the outcome of the lawsuit.⁵ Should Plaintiff proceed with this lawsuit, the Court will issue a separate order to collect the filing fee in installments from Plaintiff’s prisoner trust account until the \$350 is paid in full.

II. Plaintiff’s Motion for Appointment of Counsel at Docket 8 is DENIED. There is no constitutional right to appointed counsel in a civil action.⁶ A federal court “may request an attorney to represent any person unable to afford counsel.”⁷ However, a district court’s decision to request counsel for a self-represented litigant in a civil action is discretionary and granted only in exceptional circumstances,⁸ which Plaintiff has failed to establish in this case.

Further, although 28 U.S.C. § 1915(e)(1) permits a court to request a volunteer attorney, this Court currently has no list of volunteer attorneys from which it may request counsel to represent

Plaintiff. 4 28 U.S.C. § 1915(a)-(b). 5 28 U.S.C. § 1915(b)(1) & (2). 6 See *Turner v. Rogers*, 564 U.S. 431, 441 (2011) (“[T]he Sixth Amendment does not govern civil cases.”); *Palmer v. Valdez*, 560 F.3d 965, 970 (9th Cir.

2009) (“Generally, a person has no right to counsel in civil actions.”). 7 28 U.S.C. § 1915(e)(1). 8 *Aldabe v. Aldabe*, 616 F.2d 1089, 1093 (9th Cir.1980). III. Plaintiff must File a First Amended Complaint or Notice of Voluntary Dismissal within 30 days of the date of this order Plaintiff’s Complaint was dismissed for failure to state a claim.

The Screening Order identified numerous deficiencies with the Complaint and accorded leave to file an amended complaint. However, to date, Plaintiff has not filed an amended complaint. Nonetheless, Plaintiff has made some recent filings in this case and therefore, the Court will accord to Plaintiff one final opportunity to file an amended complaint that attempts to remedy the deficiencies the Court previously identified.

IV. The Three Strikes Rule The Prison Litigation Reform Act requires that a self-represented prisoner receive a “strike” when a case he has filed in federal court is dismissed “as frivolous, malicious, or fails to state a claim upon which relief may be granted[.]”⁹ As previously noted in the Screening Order, Plaintiff has already accumulated at least two strikes.

IT IS THEREFORE ORDERED: 1. Plaintiff is accorded 30 days from the date of this order to file either: 9 28 U.S.C. § 1915(g). a. First Amended Complaint, in which Plaintiff revises his complaint to address the deficiencies identified in this order. An amended complaint should be on the Court’s form, which is being provided to Plaintiff with this order; OR b. Notice of Voluntary Dismissal, in which Plaintiff elects to close and end this case.

2. If Plaintiff does not file either a First Amended Complaint or Notice of Voluntary Dismissal on the Court’s form within 30 days of the date of this order, this case shall be dismissed under 28 U.S.C. § 1915(e)(2)(B) without further notice to Plaintiff for failure to state a claim. 3. If this case is dismissed for failure to state a claim, it will count as an additional strike against Plaintiff.

A Notice of Voluntary Dismissal does not count as a strike.¹⁰ 4. Plaintiff’s application to waive prepayment of the filing fee at Docket 7 is GRANTED. 5. Plaintiff’s motion for appointment of counsel at Docket 8 is DENIED. 6. With this order, the Clerk is directed to send to Plaintiff: (1) form PS01, with “FIRST AMENDED” written above the title “Prisoner’s Complaint Under the Civil Rights Act 42 U.S.C. § 1983”; (2) form PS09, Notice of Voluntary Dismissal; (3) form PS23, Notice of Change of Address; and (4) a copy of the Court’s 10 *Spencer v. Barajas*, 140 F.4th 1061 (9th Cir.

2025). Screening Order at Docket 5. DATED this 12th day of May, 2026, at Anchorage, Alaska. /s/ Sharon L. Gleason SHARON L. GLEASON UNITED STATES DISTRICT JUDGE

