

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Johnny Esquivel v. Kenneth Williams, et al.

Esquivel · No. 3:25-cv-00017-MMD-CSD · Decided January 9, 2026

SUMMARY

The United States District Court for the District of Nevada denied Johnny Esquivel’s motion for appointment of counsel in his § 1983 action alleging Eighth Amendment deliberate indifference to a medical condition. The court concluded that Esquivel had not shown exceptional circumstances, a likelihood of success on the merits, or sufficient factual or legal complexity to warrant appointed counsel.

CASE DETAILS

COURT	United States District Court for the District of Nevada
WRITING FOR THE COURT	Craig S. Denney
JURISDICTION	United States District Court for the District of Nevada
DECIDED	January 9, 2026
DOCKET	3:25-cv-00017-MMD-CSD
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, a pro se prisoner proceeding under 42 U.S.C. § 1983, moved for appointment of counsel in connection with his Eighth Amendment medical-indifference action.
STANDARD OF REVIEW	Appointment of counsel for an indigent civil litigant is committed to the court's discretion and requires exceptional circumstances, evaluated by considering together the likelihood of success on the merits and the plaintiff's ability to articulate claims in light of their legal complexity.
PRECEDENTIAL VALUE	Unknown; district-court order designated per curiam, with no published reporter citation.
PARTIES	Johnny Esquivel v. Kenneth Williams, Erin Parks, D. Hultenschmidt, Dana Marks

TOPICS

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

PRACTICE AREAS

civil rights

prisoner litigation

constitutional law

QUESTIONS PRESENTED

1. Whether exceptional circumstances warranted appointment of counsel for a pro se prisoner litigating a civil-rights action.
2. Whether Plaintiff's medical limitations, discovery difficulties, claim complexity, and likelihood of success justified appointment of counsel.

HOLDINGS

1. A federal court may request counsel for an indigent civil litigant only in extraordinary or exceptional circumstances; the court must evaluate the plaintiff's likelihood of success on the merits together with the plaintiff's ability to articulate claims in light of the complexity of the legal issues.
2. A litigant in a civil-rights action has no Sixth Amendment right to appointed counsel.

KEY QUOTATIONS

"If all that was required to establish successfully the complexity of the relevant issues was a demonstration of the need for development of further facts, practically all cases would involve complex legal issues." (at 2)

FACTUAL BACKGROUND

Johnny Esquivel, a pro se inmate, alleged an Eighth Amendment medical-indifference claim based on delay in diagnosing and treating an intestinal condition. He sought appointed counsel, asserting that headaches, vision disturbances, dizziness, and pain impaired his ability to sit and write for extended periods and that discovery had become difficult after Dr. Marks's termination. The court found that Esquivel had successfully articulated his claims, that the substantive claim was not unduly complex, and that he had not shown a likelihood of success on the merits.

PROCEDURAL HISTORY

The court previously allowed Plaintiff's complaint to proceed on an Eighth Amendment medical-indifference claim concerning an alleged delay in diagnosing and treating his intestinal condition. Plaintiff then moved for appointment of counsel, citing medical limitations and difficulty conducting discovery. The court denied the motion.

DISPOSITION

other

CASES CITED

- Wood v. Housewright, 900 F.2d 1332, 1335-1336 (9th Cir. 1990)
- Storseth v. Spellman, 654 F.2d 1349, 1353 (9th Cir. 1981)

- Lewis v. Casey, 518 U.S. 343, 354-355 (1996)
- United States v. 30.64 Acres of Land, 795 F.2d 796, 799-800 (9th Cir. 1986)
- Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th Cir. 1986)
- Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991)

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