

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Joshua Maynard v. United Services Automobile Association Federal
Savings Bank

Case No. 21-cv-04519-JSW · No. 21-cv-04519-JSW · Decided December 2, 2025

SUMMARY

The United States District Court for the Northern District of California denied Joshua Maynard’s motion for appointment of counsel, finding no exceptional circumstances under 28 U.S.C. § 1915(e) (1). The court referred him to pro se and legal-help resources, granted his request to continue the anticipated summary judgment hearing to March 6, 2026, and vacated the pretrial and trial dates.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Jeffrey S. White
JURISDICTION	United States District Court for the Northern District of California
DECIDED	December 2, 2025
DOCKET	21-cv-04519-JSW
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for appointment of counsel and to extend litigation dates in a pending civil action. The district court denied appointment of counsel, referred plaintiff to pro se and volunteer legal resources, and granted his request to continue the anticipated summary-judgment hearing and vacate the pretrial and trial dates.
STANDARD OF REVIEW	Appointment of counsel under 28 U.S.C. § 1915(e)(1) is discretionary and depends on whether exceptional circumstances exist, evaluated by considering the likelihood of success on the merits and the litigant's ability to articulate claims in light of the complexity of the legal issues.
PRECEDENTIAL VALUE	Unknown; district court order
PARTIES	Joshua Maynard v. United Services Automobile Association Federal Savings Bank

TOPICS

civil procedure

summary judgment

PRACTICE AREAS

Civil procedure

Federal courts

Pro se litigation

QUESTIONS PRESENTED

1. Whether exceptional circumstances warranted appointment of counsel for the pro se plaintiff under 28 U.S.C. § 1915(e)(1).
2. Whether plaintiff's request for additional time to prepare for anticipated summary-judgment motions should be granted.

HOLDINGS

1. The court denied plaintiff's request for appointment of counsel because exceptional circumstances were not present: plaintiff was not likely to succeed on the merits and was able to articulate his claims despite the complexity of the legal issues.
2. The court granted plaintiff's request for additional time to prepare for anticipated summary-judgment motions, continued the summary-judgment hearing to March 6, 2026, and vacated the pretrial and trial dates pending resolution of the motion or motions for summary judgment.

KEY QUOTATIONS

“Neither of these factors is dispositive and both must be viewed together before reaching a decision.” (at 1)

FACTUAL BACKGROUND

Joshua Maynard was proceeding pro se and sought appointment of counsel in the pending civil case. The court found that he was not likely to succeed on the merits and was able to articulate his claims. Maynard also requested additional time to prepare for anticipated summary-judgment proceedings.

PROCEDURAL HISTORY

The case was pending before the United States District Court for the Northern District of California. Plaintiff, proceeding pro se, sought appointment of counsel and additional time to prepare for anticipated summary-judgment motions. The court denied counsel, referred plaintiff to legal-services resources, continued the summary-judgment hearing to March 6, 2026, and vacated the pretrial and trial dates pending resolution of the summary-judgment motion or motions.

DISPOSITION

other

CASES CITED

- Lassiter v. Department of Social Services of Durham County, N.C., 452 U.S. 18, 25 (1981)
- Nicholson v. Rushen, 767 F.2d 1426, 1427 (9th Cir. 1985)
- Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991)

OPINION

Maynard

PER CURIAM.

1 2 3 4 5 6

7 UNITED STATES DISTRICT COURT

8 NORTHERN DISTRICT OF CALIFORNIA

9 10 JOSHUA MAYNARD, Case No. 21-cv-04519-JSW 11 Plaintiff,

ORDER DENYING MOTION TO

12 v. APPOINT COUNSEL, REFERRING

PLAINTIFF TO LEGAL SERVICES,

13 UNITED SERVICES AUTOMOBILE AND GRANTING REQUEST TO

ASSOCIATION FEDERAL SAVINGS EXTEND DATES

14 BANK,

Re: Dkt. Nos. 106, 107 15 Defendant. 16 Now before the Court is Plaintiff's motions for appointment of counsel and to extend 17 dates. The Court does not find cause to appoint counsel in this matter. Pursuant to 28 U.S.C. § 1815(e)(1), the Court may request that an attorney represent a person who is unable to afford 19 counsel. Unless a party may lose her physical liberty if she loses the case, however, there is 20 generally no constitutional right to an attorney in a civil action. See *Lassiter v. Dep't of Soc. Serv.* 21 of Durham Cnty., N.C., 452 U.S. 18, 25 (1981); *Nicholson v. Rushen*, 767 F.2d 1426, 1427 (9th 22 Cir. 1985) (citation omitted). Nonetheless, the court may request counsel under § 1815(e)(1), but

23 only in "exceptional circumstances." See *Terrell v. Brewer*, 935 F.2d 1015, 1017 (9th Cir. 24 1991). To determine whether "exceptional circumstances" exist, the trial court should evaluate (1) 25 the likelihood of the indigent party's success on the merits and (2) the indigent party's ability to 26 articulate her claims in light of the complexity of the legal issues involved. *Id.* "Neither of these 27 factors is dispositive and both must be viewed together before reaching a decision." 1 finding that exceptional circumstances exist. The Court does not find it likely that Plaintiff will 2 || succeed on the merits and also finds that he is fully able to articulate his claims. Accordingly, the 3 || Court DENIES Plaintiff's request to appoint counsel. 4 However, the Court HEREBY REFERS Plaintiff, who appears pro se, to the Handbook for 5 Pro Se Litigants, which contains helpful information about proceeding without an attorney, is 6 || available through the Court's website (<https://www.cand.uscourts.gov/pro-se-litigants>) or in the 7 Clerk's office. The Court also advises

Plaintiff that he may wish to seek further assistance from 8 || the Volunteer Legal Help Center by emailing fedpro@sfbbar.org or by calling the appointment line 9 at (415) 782-8982. The attorney at the Legal Help Center can provide information, advice, and 10 || basic legal help but cannot represent litigants as their lawyer. 11 Further, in order to give Plaintiff extra time to prepare his case for summary judgment, the 12 || Court HEREBY GRANTS his request to continue the hearing on the anticipated motion(s) for 5 13 summary judgment to March 6, 2026, at 9:00 a.m. The Court VACATES the pretrial and trial 14 dates and shall reset them, if necessary, in the order resolving the motion(s) for summary 3 15 || judgment. 16 IT IS SO ORDERED. 3 17 Dated: December 2, 2025 f | ff tt

FERBY S. WHI

19 [United Attdes Digéfact Judge 20 ve 21 22 23 24 25 26 27 28