

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

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OPINION

Maynard

PER CURIAM.

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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. § 18 1915(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 § 1915(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@sfbar.org](mailto:fedpro@sfbar.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

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