

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Alfred Arista v. Michael Feleppa

Arista · No. 1:22-cv-00240 KES GSA (PC) · Decided March 17, 2025

SUMMARY

The United States District Court for the Eastern District of California denied Plaintiff Alfred Arista’s motion for appointment of counsel in his 42 U.S.C. § 1983 action. The court held that Plaintiff had not demonstrated exceptional circumstances, considering his ability to articulate his claims and litigate the case pro se.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Gary S. Austin
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	March 17, 2025
DOCKET	1:22-cv-00240 KES GSA (PC)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, a state prisoner proceeding pro se and in forma pauperis in a 42 U.S.C. § 1983 action, moved for appointment of counsel. The court denied the motion.
STANDARD OF REVIEW	The appointment of counsel is discretionary and requires the plaintiff to demonstrate exceptional circumstances by showing both a likelihood of success on the merits and an inability to articulate the claims pro se in light of the complexity of the legal issues.
PRECEDENTIAL VALUE	Unpublished district-court order; nonprecedential
PARTIES	Alfred Arista v. Michael Feleppa

TOPICS

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

PRACTICE AREAS

- civil rights
- prisoner litigation
- appointment of counsel

QUESTIONS PRESENTED

1. Whether a pro se state prisoner demonstrated exceptional circumstances warranting a request for voluntary appointment of counsel under 28 U.S.C. § 1915(e)(1).
2. Whether lack of legal education, limited law-library access, and the plaintiff's stated difficulty litigating the action established exceptional circumstances.

HOLDINGS

1. A district court may request an attorney to voluntarily represent an indigent prisoner in a § 1983 action only when exceptional circumstances exist, assessed by considering the plaintiff's likelihood of success on the merits and ability to articulate the claims pro se in light of the complexity of the legal issues. Arista failed to demonstrate exceptional circumstances.
2. District courts lack authority to require counsel to represent indigent prisoners in § 1983 cases.

KEY QUOTATIONS

“Circumstances common to most prisoners, such as lack of legal education and limited law library access, do not establish exceptional circumstances that warrant a request for voluntary assistance of counsel.” (1)

“For these reasons, having considered the factors under Palmer, the Court finds that Plaintiff has failed to meet his burden of demonstrating exceptional circumstances warranting the appointment of counsel at this time.” (2)

FACTUAL BACKGROUND

Arista, a state prisoner proceeding without counsel, asserted that he lacked knowledge of civil law, that the Office of the Attorney General was taking advantage of and misguiding him, and that limited prison law-library access made litigation difficult. He had nevertheless filed a complaint containing viable claims, obtained service on the defendant, filed timely responses, and submitted multiple additional filings. He sought counsel so that he would not mishandle the case.

PROCEDURAL HISTORY

Arista filed a prisoner civil-rights action in 2022. The complaint stated viable claims that were served on Feleppa, and Arista filed timely responses and other submissions during the litigation. Arista then moved for appointment of counsel, which the court denied after applying the exceptional-circumstances standard.

DISPOSITION

other

CASES CITED

- Mallard v. United States District Court, 490 U.S. 296, 298 (1989)
- Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991)
- Wood v. Housewright, 900 F.2d 1332, 1335-36 (9th Cir. 1990)

- Palmer v. Valdez, 560 F.3d 965, 970 (9th Cir. 2009)

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