

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Benjamin Justin Brownlee v. J. Burnes, et al.

Case No. 1:23-cv-00376-JLT-HBK (PC) (E.D. Cal. Oct. 24, 2025) · No. 1:23-cv-00376-JLT-HBK (PC) ·
Decided October 24, 2025

SUMMARY

The United States District Court for the Eastern District of California denied Benjamin Justin Brownlee's motion for appointment of counsel in his prisoner civil rights action. The court held that indigence, incarceration, litigation difficulties, alleged disabilities, and the asserted complexity of the case did not establish the exceptional circumstances required for discretionary appointment of counsel under 28 U.S.C. § 1915(e)(1). The court also concluded that the Americans with Disabilities Act did not mandate appointment of counsel in the federal action.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Helena M. Barch-Kuchta
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	October 24, 2025
DOCKET	1:23-cv-00376-JLT-HBK (PC)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, a state prisoner proceeding without counsel, moved for appointment of counsel in his civil-rights action. The district court denied the motion.
STANDARD OF REVIEW	Appointment of counsel in a civil case is discretionary and requires a showing of exceptional circumstances, considering factors such as indigence, likelihood of success on the merits, and the plaintiff's ability to articulate claims pro se in light of the complexity of the legal issues.
PRECEDENTIAL VALUE	Unpublished, nonprecedential district-court order

TOPICS

- civil procedure
- prisoners rights
- civil rights
- ada / disability

PRACTICE AREAS

civil procedure

prisoner civil rights

disability law

QUESTIONS PRESENTED

1. Whether Plaintiff demonstrated exceptional circumstances warranting discretionary appointment of counsel in his prisoner civil-rights action.
2. Whether Plaintiff's disabilities, incarceration, limited law-library access, inability to obtain counsel, anticipated discovery and trial difficulties, and alleged case complexity required appointment of counsel.
3. Whether the Americans with Disabilities Act required the federal court to appoint counsel for Plaintiff.

HOLDINGS

1. A court may appoint counsel for an indigent civil litigant under 28 U.S.C. § 1915(e)(1), but appointment is warranted only upon a showing of exceptional circumstances. Plaintiff did not meet that burden.
2. The Americans with Disabilities Act does not require appointment of counsel in this federal action.

KEY QUOTATIONS

“However, motions to appoint counsel in civil cases are granted only in “exceptional circumstances.”” (at 1)

“Prisoners have a right to meaningful access to the courts, but there is no absolute right to use a prison law library.” (at 3)

“As a result, appointment of counsel is not mandated under the ADA.” (at 4)

FACTUAL BACKGROUND

Plaintiff is incarcerated and litigating Eighth Amendment claims concerning excessive use of force, sexual assault, and failure to intervene. He asserted that he could not afford counsel, had been unable to obtain counsel, faced limitations from incarceration and law-library access, anticipated conflicting testimony and discovery difficulties, and had physical and learning disabilities, including the absence of a right thumb. The court found that his filings were legible and that he had adequately presented his claims without counsel.

PROCEDURAL HISTORY

Plaintiff's first amended complaint was allowed to proceed on Eighth Amendment excessive-use-of-force, sexual-assault, and failure-to-intervene claims. After litigating the action pro se since March 3, 2023, Plaintiff moved for appointment of counsel under 28 U.S.C. § 1915(e)(1), citing indigence, incarceration, disability, difficulty accessing the law library, anticipated evidentiary issues, and case complexity. The court denied the motion because Plaintiff did not demonstrate exceptional circumstances.

DISPOSITION

other

CASES CITED

- Lewis v. Casey, 518 U.S. 343, 354 (1996)
- Bounds v. Smith, 430 U.S. 817 (1976)
- United States v. McQuade, 519 F.2d 1180, 1181 (9th Cir. 1975)
- Rand v. Rowland, 113 F.3d 1520, 1525 (9th Cir. 1997), withdrawn in part on other grounds on reh'g en banc, 154 F.2d 952 (9th Cir. 1998)
- Jones v. Chen, 2014 WL 12684497, at *1 (E.D. Cal. Jan. 14, 2014)
- Montano v. Solomon, 2010 WL 2403389, at *2 (E.D. Cal. June 11, 2010)
- Callender v. Ramm, 2018 WL 6448536, at *3 (E.D. Cal. Dec. 10, 2018)
- Howard v. Hedgpeth, 2010 WL 1641087, at *2 (E.D. Cal. Apr. 20, 2010)
- Bonin v. Vasquez, 999 F.2d 425, 428–29 (9th Cir. 1993)
- Siglar v. Hopkins, 822 F. App'x 610, 612 (9th Cir. 2020)
- Courtney v. Kandel, 2020 WL 1432991, at *1 (E.D. Cal. Mar. 24, 2020)
- Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th Cir. 1986)
- Arellano v. Sedighi, No. 15-cv-02059-AJB-BGS, 2020 WL 5877832, at *47 (S.D. Cal. Oct. 1, 2020)
- Trueblood v. Cappola, No. 3:19-cv-05816-RBL-JRC, 2020 WL 1929265, at *2 (W.D. Wash. Apr. 21, 2020)
- Springfield v. Khalit, 2018 WL 5980155, at *3 (E.D. Cal. Nov. 14, 2018)
- Brown v. Reif, 2019 WL 989874, at *2 (E.D. Cal. Mar. 1, 2019)
- Roman v. Jefferson at Hollywood LP, 495 F. App'x 804, 806 (9th Cir. 2012)