

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Robinson v. Scott

No. 2:25-cv-1687 CSK P (E.D. Cal. July 15, 2025) · No. 2:25-cv-1687 CSK P · Decided July 15, 2025

SUMMARY

The United States District Court for the Eastern District of California denied without prejudice a state prisoner’s motion for appointment of counsel in a 42 U.S.C. § 1983 action. The court held that the Sixth Amendment right to counsel does not apply to civil cases and that the plaintiff had not demonstrated exceptional circumstances warranting a request for voluntary counsel under 28 U.S.C. § 1915(e)(1).

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Chi Soo Kim
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	July 15, 2025
DOCKET	2:25-cv-1687 CSK P
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, a state prisoner proceeding pro se under 42 U.S.C. § 1983, moved for appointment of counsel.
STANDARD OF REVIEW	The court evaluated the request for appointment of counsel under the exceptional-circumstances standard, considering the 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PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Calvin Maron Robinson v. A. Scott, et al.

TOPICS

- prisoners rights
- section 1983
- civil rights
- constitutional law
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the Sixth Amendment gives a plaintiff in a civil § 1983 action a right to appointed or effective assistance of counsel.
2. Whether a federal district court may require counsel to represent an indigent prisoner in a § 1983 action.
3. Whether Robinson demonstrated exceptional circumstances warranting the court's request for voluntary assistance of counsel.

HOLDINGS

1. The Sixth Amendment right to effective assistance of counsel applies to criminal cases and does not entitle a plaintiff in a civil § 1983 action to appointed counsel.
2. District courts lack authority to require counsel to represent indigent prisoners in § 1983 cases, although the court may request voluntary representation in exceptional circumstances.
3. Robinson failed to meet his burden of demonstrating exceptional circumstances warranting appointment or a request for voluntary assistance of counsel.

KEY QUOTATIONS

“Further, district courts lack authority to require counsel to represent indigent prisoners in section 1983 cases.” (at 1)

“Accordingly, IT IS HEREBY ORDERED that plaintiff’s motion for the appointment of counsel (ECF No. 9) is denied without prejudice.” (at 2)

FACTUAL BACKGROUND

Calvin Maron Robinson is a state prisoner proceeding without counsel in a civil-rights action under 42 U.S.C. § 1983. He requested appointed counsel and argued that the Sixth Amendment entitled him to effective assistance of counsel, while also relying on a California Court of Appeal decision. The court found that he had not demonstrated exceptional circumstances warranting a request for voluntary counsel.

PROCEDURAL HISTORY

Robinson filed a federal civil-rights action and moved for appointment of counsel, asserting a Sixth Amendment right to effective assistance of counsel. The district court denied the motion without prejudice after applying the exceptional-circumstances factors.

DISPOSITION

other

CASES CITED

- Arnett v. Office of Administrative Hearings, 49 Cal. App. 4th 332, 339 (1996)
- 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)

OPINION

1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 FOR THE EASTERN DISTRICT OF
CALIFORNIA 9 10 CALVIN MARON ROBINSON, No. 2:25-cv-1687 CSK P 11 Plaintiff, 12 v.
ORDER 13 A. SCOTT, et al., 14 Defendants. 15 16 Plaintiff is a state prisoner proceeding pro se
in an action brought under 42 U.S.C. § 1983. 17 Plaintiff requests that the Court appoint counsel.
18 Plaintiff contends he is entitled to representation based on the Sixth Amendment right to 19
effective assistance of counsel.

(ECF No. 9 at 1-2.) Plaintiff's reliance on the Sixth Amendment 20 is unavailing in this case
because this constitutional right applies only to criminal cases, not civil 21 cases. Similarly,
plaintiff's reliance on Arnett v. Off. of Admin. Hearings, 49 Cal. App. 4th 332, 22 339 (1996)
(ECF No. 9 at 2-3), is unavailing because this is a federal district court, and the Court 23 will
apply federal law, not California state law.

24 Further, district courts lack authority to require counsel to represent indigent prisoners in 25
section 1983 cases. Mallard v. United States Dist. Court, 490 U.S. 296, 298 (1989). In 26
exceptional circumstances, the court may request an attorney to voluntarily represent such a 27
plaintiff. See 28 U.S.C. § 1915(e)(1); Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir.

1991); 28 Wood v. Housewright, 900 F.2d 1332, 1335-36 (9th Cir. 1990). When determining
whether 1 | "exceptional circumstances" exist, the court must consider plaintiff's likelihood of
success on the 2 || merits as well as the ability of the plaintiff to articulate his claims pro se in light
of the complexity 3 || of the legal issues involved. Palmer v. Valdez, 560 F.3d 965, 970 (9th Cir.

2009) (district court 4 || did not abuse discretion in declining to appoint counsel). The burden of
demonstrating 5 || exceptional circumstances is on the plaintiff. Id. Circumstances common to
most prisoners, such 6 || as lack of legal education and limited law library access, do not establish
exceptional 7 || circumstances that warrant a request for voluntary assistance of counsel.

8 Having considered the factors under Palmer, the Court finds that plaintiff has failed to 9 || meet
his burden of demonstrating exceptional circumstances warranting the appointment of 10 || counsel
at this time. 11 Accordingly, IT IS HEREBY ORDERED that plaintiff's motion for the
appointment of 12 || counsel (ECF No. 9) is denied without prejudice. 13 14 | Dated: July 15, 2025
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