

**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

OPINION

(PC) Robinson v. Scott

PER CURIAM.

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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 4 aA i Aan Spe |
CHI SOO KIM
16 UNITED STATES MAGISTRATE JUDGE
17 | Arobi16s7.31 18 19 20 21 22 23 24 25 26 27 28

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