

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Yarhi v. Hamilton Company

Yarhi · No. 3:25-CV-00725-MMD-CLB · Decided December 31, 2025

SUMMARY

The United States District Court for the District of Nevada denied Astrid Yarhi’s motion for appointment of counsel under 28 U.S.C. § 1915(e)(1). The court concluded that Yarhi had not shown exceptional circumstances, including a likelihood of success or inability to articulate her claims, and did not appear to be indigent based on her financial disclosures.

CASE DETAILS

COURT	United States District Court for the District of Nevada
JURISDICTION	United States District Court for the District of Nevada
DECIDED	December 31, 2025
DOCKET	3:25-CV-00725-MMD-CLB
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for appointment of counsel in a civil action. The district court denied the motion.
STANDARD OF REVIEW	Appointment of counsel under 28 U.S.C. § 1915(e)(1) is discretionary and is permitted only upon a showing of exceptional circumstances.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status is unknown.
PARTIES	Astrid Yarhi v. Hamilton Company

TOPICS

civil procedure

PRACTICE AREAS

Civil procedureCivil rights

QUESTIONS PRESENTED

- Whether Yarhi demonstrated exceptional circumstances warranting appointment of counsel under 28 U.S.C. § 1915(e)(1).
- Whether Yarhi qualified for appointed counsel as a person unable to afford counsel.

HOLDINGS

1. A civil litigant seeking appointment of counsel under 28 U.S.C. § 1915(e)(1) must demonstrate exceptional circumstances, evaluated by considering both 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; Yarhi failed to make that showing.
2. A court may appoint counsel under 28 U.S.C. § 1915(e)(1) only for a litigant unable to afford counsel; Yarhi did not establish that eligibility because her financial application disclosed substantial resources and she did not appear indigent.

KEY QUOTATIONS

“There is no constitutional right to appointed counsel in a civil case.” (at 1)

“A finding of “exceptional circumstances” requires the court to evaluate: (1) the plaintiff’s likelihood of success on the merits; and (2) the plaintiff’s ability to articulate her claims pro se considering the complexity of the legal issues involved.” (at 1)

FACTUAL BACKGROUND

Yarhi sought appointment of counsel based on the alleged complexity of the legal standards, evidentiary burdens, and procedural requirements in her case and on a documented disability. Her complaint included no factual allegations, making it impossible for the court to assess the complexity of the issues or her likelihood of success. She stated that she had pursued her claim through the EEOC but provided no information explaining how her disability prevented her from prosecuting the case. Her IFP application listed significant financial resources, and the court concluded she did not appear indigent.

PROCEDURAL HISTORY

Yarhi filed a complaint and an application to proceed in forma pauperis. The court's Report and Recommendation noted that the complaint contained no factual allegations and recommended denying the IFP application as moot because of the complaint's deficiencies. Yarhi then moved for appointment of counsel, arguing that her case involved complex legal and procedural issues and that she had a disability. The court denied the motion.

DISPOSITION

other

CASES CITED

- Palmer v. Valdez, 560 F.3d 965, 970 (9th Cir. 2009)
- Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th Cir. 1986)
- Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991)
- Wood v. Housewright, 900 F.2d 1332, 1335-36 (9th Cir. 1990)
- Rand, 113 F.3d at 1525

OPINION

1 UNITED STATES DISTRICT COURT 2 DISTRICT OF NEVADA 3 * * * 4 ASTRID YARHI,
Case No. 3:25-CV-00725-MMD-CLB 5 Plaintiff, ORDER DENYING MOTION TO APPOINT
COUNSEL 6 v. [ECF No. 10] 7 HAMILTON COMPANY, 8 Defendant. 9 10 Before the Court is
Plaintiff Astrid Yarhi's ("Yarhi") motion for appointment of 11 counsel. (ECF No. 10).

For the reasons discussed below, the motion is denied. 12 There is no constitutional right to
appointed counsel in a civil case. *Palmer v. Valdez*, 560 F.3d 965, 970 (9th Cir. 2009). Title 28
U.S.C. § 1915(e)(1) gives courts 14 discretion to "request an attorney to represent any person
unable to afford counsel." See 15 also *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir.

1986). While the decision to 16 request counsel lies within the discretion of the district court, the
court may only exercise 17 this discretion under "exceptional circumstances." *Terrell v. Brewer*,
935 F.2d 1015, 1017 18 (9th Cir. 1991). 19 A finding of "exceptional circumstances" requires the
court to evaluate: (1) the 20 plaintiff's likelihood of success on the merits; and (2) the plaintiff's
ability to articulate her 21 claims pro se considering the complexity of the legal issues involved.

22 *Id.* (quoting *Wilborn*, 789 F.2d at 1331). Neither factor is dispositive, and both factors 23 must
be considered before a court reaches a decision. *Id.* The difficulties every litigant 24 faces when
proceeding pro se does not qualify as an exceptional circumstance. *Wood 25 v. Housewright*, 900
F.2d 1332, 1335-36 (9th Cir. 1990). While almost any pro se litigant 26 would benefit from the
assistance of competent counsel, such a benefit does not rise to 27 the level of "exceptional
circumstances." *Rand*, 113 F.3d at 1525.

Rather, the plaintiff 1 Here, Yarhi argues the Court should appoint counsel because her case
involves 2 "complex legal standards, evidentiary burdens, and procedural requirements," and 3
because she has "a documented disability." (ECF No. 10 at 2.)

However, these 4 arguments fail to support the appointment of counsel. First, Yarhi's argument
does not 5 discuss anything specific about her case. The things she cites to — legal standards, 6
evidentiary burdens, and procedural requirements — are applicable to every case. 7 Essentially,
Yarhi is arguing she needs counsel because prosecuting a lawsuit is difficult.

8 Such difficulties, however, are faced by every pro se litigant and are not exceptional. 9
Moreover, the Court has no way to assess whether Yarhi's case presents complex 10 issues
because, as noted in the Court's Report and Recommendation, Yarhi's complaint 11 does not
include a single factual allegation. (ECF No. 7 at 3.)

In that same vein, the Court 12 has no way of determining whether Yarhi is likely to succeed on
the merits. It does not 13 appear Yarhi will have trouble articulating her claims considering she has
already 14 pursued her claim through the EEOC, (ECF No. 10 at 2), which itself deals with legal

15 standards, evidentiary burdens, and procedural requirements. Yarhi also provides no 16 information about her disability or how it prevents her from adequately prosecuting her 17 case.

For all of these reasons, Yarhi's motion must be denied. 18 Finally, even if all of the above issues were set aside, the Court may only appoint 19 counsel for those litigants who are "unable to afford counsel." 28 U.S.C. § 1915(e)(1). 20 That is, the Court may only appoint counsel for litigants who have been permitted to 21 proceed in forma pauperis ("IFP").

Although Yarhi submitted an application to proceed 22 IFP, the Court recommended it be denied as moot given the deficiencies in her 23 complaint, without reaching the merits of the IFP application. (ECF No. 7.) A review of 24 the substance of that application, however, reveals that Yarhi does not appear to be 25 indigent in that she lists significant and substantial financial resources.

(ECF No. 2.) 26 Thus, Yarhi would not be entitled to appointment of counsel. 27 Because Yarhi has failed to demonstrate her case presents exceptional 1 appointment of counsel, (ECF No. 10), is DENIED. 2 IT IS SO ORDERED.. 3 DATED: December 31, 2025 4 wag 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28