

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PRECEDENTIAL VALUE	Unpublished district court order; precedential status is unknown.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

