

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Edward Androshchuk v. B. Corralejo, et al.

Androshchuk v. Corralejo · No. 2:25-cv-0397-JDP (P) · Decided November 14, 2025

SUMMARY

The United States District Court for the Eastern District of California denied without prejudice Edward Androshchuk's motion for appointment of counsel in his 42 U.S.C. § 1983 action. The court granted in part his motion for an extension of time, allowing thirty days to file an amended complaint and stating that no further extensions would be granted absent extraordinary circumstances.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	D. Peterson
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	November 14, 2025
DOCKET	2:25-cv-0397-JDP (P)
DISPOSITION	other
PROCEDURAL POSTURE	A state prisoner proceeding pro se under 42 U.S.C. § 1983 moved for appointment of counsel and sought an extension of time to file an amended complaint.
STANDARD OF REVIEW	Appointment of counsel in a civil rights action is discretionary and depends on whether exceptional circumstances exist, considering the plaintiff's likelihood of success on the merits and ability to articulate claims pro se in light of the complexity of the legal issues.
PRECEDENTIAL VALUE	Unknown

TOPICS

- section 1983
- prisoners rights
- civil procedure

PRACTICE AREAS

- civil procedure
- civil rights
- prisoner civil rights

QUESTIONS PRESENTED

1. Whether plaintiff demonstrated exceptional circumstances warranting the court's request for voluntary appointment of counsel in his § 1983 action.
2. Whether plaintiff should receive a further extension of time to file an amended complaint, and if so, for how long.

HOLDINGS

1. Plaintiff failed to meet his burden of demonstrating exceptional circumstances warranting appointment of counsel at that time; his motion was therefore denied without prejudice.
2. Plaintiff was granted 30 days from issuance of the order to file an amended complaint, and the request for a 60-day extension was granted only in part.

KEY QUOTATIONS

“When determining whether “exceptional circumstances” exist, the court must consider plaintiff's likelihood of success on the merits as well as the ability of the plaintiff to articulate his claims pro se in light of the complexity of the legal issues involved.” (1)

“Circumstances common to most prisoners, such as lack of legal education and limited law library access, do not establish exceptional circumstances that warrant a request for voluntary assistance of counsel.” (1)

FACTUAL BACKGROUND

Plaintiff is a state prisoner proceeding without counsel in a § 1983 action. He requested appointment of counsel and filed a fourth request for additional time to file an amended complaint, seeking 60 days even though the court had already granted him 90 days. The court found no exceptional circumstances warranting appointment of counsel at that time.

PROCEDURAL HISTORY

Plaintiff had previously been granted 90 days to file an amended complaint. He filed a fourth motion for an extension, requesting 60 additional days, and separately moved for appointment of counsel. The district court denied appointment of counsel without prejudice, granted the extension motion in part, and allowed 30 days from the order to file an amended complaint.

DISPOSITION

other

CASES CITED

- Mallard v. United States Dist. 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

Corralejo

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 EDWARD ANDROSHCHUK, Case No. 2:25-cv-0397-JDP (P) 12 Plaintiff, 13 v. ORDER
14 B. CORRALEJO, et al., 15 Defendants. 16 17 Plaintiff is a state prisoner proceeding pro se in
an action brought under 42 U.S.C. § 1983. 18 Plaintiff requests that the court appoint counsel.
Plaintiff has also filed his fourth motion seeking 19 an extension of time to file an amended
complaint. 20 Plaintiff requests an extension of sixty days; however, plaintiff has already been
granted 21 90 days to file an amended complaint. See ECF Nos. 10, 13, & 18. Therefore, plaintiff
will be 22 granted thirty days from the date of this order's issuance to file an amended complaint.
Absent 23 extraordinary circumstances, no further extensions will be granted. 24 District courts
lack authority to require counsel to represent indigent prisoners in section 25 1983 cases. *Mallard*
v. United States Dist. Court, 490 U.S. 296, 298 (1989). In exceptional 26 circumstances, the court
may request an attorney to voluntarily represent such a plaintiff. See 28 27 U.S.C. § 1915(e)(1);
Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991); *Wood v. 28 Housewright*, 900 F.2d 1332,
1335-36 (9th Cir. 1990). When determining whether “exceptional 1 | circumstances” exist, the
court must consider plaintiff's likelihood of success on the merits as 2 | well as the ability of the
plaintiff to articulate his claims pro se in light of the complexity of the 3 | legal issues involved.
Palmer v. Valdez, 560 F.3d 965, 970 (9th Cir. 2009) (district court did not 4 | abuse discretion in
declining to appoint counsel). The burden of demonstrating exceptional 5 || circumstances is on the
plaintiff. /d. Circumstances common to most prisoners, such as lack of 6 | legal education and
limited law library access, do not establish exceptional circumstances that 7 | 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: 12
1. Plaintiff's motion for the appointment of counsel, ECF No. 19, is DENIED without 13 ||
prejudice. 14 2. Plaintiff's motion for an extension of time, ECF No. 20, is GRANTED IN PART;
and 15 3. Plaintiff is granted thirty days from the date of this order in which to file an amended 16
| complaint. No further extensions of time will be granted. 17 | IT IS SO ORDERED. 18 / 19 |
Dated: _ November 14, 2025 sa awe D. PE i ERSON

20 UNITED STATES MAGISTRATE JUDGE

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