

**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

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**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.

**OPINION**

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 21 22 23 24 25 26 27 28