

**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

OPINION

Corralejo

PER CURIAM.

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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

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