

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WASHINGTON

David Earl Ray Gallegos v. Traci Carter, et al.

Gallegos · No. 2:25-cv-01760-BHS-DWC · Decided January 7, 2026

SUMMARY

The United States District Court for the Western District of Washington grants David Earl Ray Gallegos’s motion for leave to file a second amended complaint in his pro se prisoner civil rights action. The court finds no bad faith, undue delay, prejudice, or futility warranting denial of amendment. The court denies without prejudice Gallegos’s motion for appointment of counsel because he has not shown exceptional circumstances.

CASE DETAILS

COURT	United States District Court for the Western District of Washington
WRITING FOR THE COURT	David W. Christel
JURISDICTION	United States District Court for the Western District of Washington
DECIDED	January 7, 2026
DOCKET	2:25-cv-01760-BHS-DWC
DISPOSITION	other
PROCEDURAL POSTURE	Pro se prisoner civil-rights action in which the plaintiff moved for leave to file a second amended complaint and for appointment of counsel.
STANDARD OF REVIEW	Leave to amend under Federal Rule of Civil Procedure 15(a) is evaluated under the factors of bad faith, undue delay, prejudice, futility, and prior amendment. Appointment of counsel under 28 U.S.C. § 1915(e)(1) requires exceptional circumstances, assessed by considering the likelihood of success on the merits and the plaintiff's ability to articulate claims in light of the complexity of the legal issues.
PRECEDENTIAL VALUE	Unknown; district-court order with no reporter citation.
PARTIES	David Earl Ray Gallegos v. Traci Carter, et al.

TOPICS

motion to amend

civil rights

section 1983

civil procedure

PRACTICE AREAS

civil procedure

civil rights

prisoner civil rights

QUESTIONS PRESENTED

1. Whether plaintiff should be granted leave under Federal Rule of Civil Procedure 15(a) to file a second amended complaint.
2. Whether plaintiff demonstrated exceptional circumstances warranting appointment of counsel under 28 U.S.C. § 1915(e)(1).

HOLDINGS

1. Leave to amend was warranted because the record showed no bad faith, undue delay, prejudice, or futility, and the interests of justice favored allowing the proposed amendment despite plaintiff's prior amendment.
2. Appointment of counsel was not warranted at that time because plaintiff failed to establish exceptional circumstances; the motion was therefore denied without prejudice.

KEY QUOTATIONS

"For the reasons below, the motion to amend (Dkt. 8) is GRANTED and the motion to appoint counsel (Dkt. 10) is DENIED without prejudice." (at 1)

"Considering these factors, the Court finds the interests of justice require that Plaintiff's motion to amend (Dkt. 8) be granted." (at 2)

"Because Plaintiff has not shown appointment of counsel is appropriate at this time, his motion to appoint counsel (Dkt. 10) is denied without prejudice." (at 4)

FACTUAL BACKGROUND

Plaintiff brought a § 1983 prisoner civil-rights action and sought to correct dates concerning the alleged constitutional violations in a proposed second amended complaint. Defendants had appeared but did not oppose the motion to amend. Plaintiff also sought appointed counsel based on mental-health conditions, difficulty performing legal work and accessing documents, limited education, and lack of funds.

PROCEDURAL HISTORY

Plaintiff initiated the action on September 11, 2025. The Court declined to serve the original complaint but granted leave to amend; plaintiff then filed an amended complaint, which the Court directed defendants to answer or otherwise respond to through service. Plaintiff later moved for leave to file a second amended complaint and for appointment of counsel. The court granted leave to amend and denied appointment of counsel without prejudice.

DISPOSITION

other

CASES CITED

- AmerisourceBergen Corp. v. Dialysis West, Inc., 445 F.3d 1132, 1136 (9th Cir. 2006)
- Jackson v. Bank of Hawaii, Jackson v. Bank of Haw., 902 F.2d 1385, 1387 (9th Cir. 1990)
- Allen v. City of Beverly Hills, 911 F.2d 367, 373 (9th Cir. 1990)
- Storseth v. Spellman, 654 F.2d 1349, 1353 (9th Cir. 1981)
- United States v. \$292,888.04 in U.S. Currency, 54 F.3d 564, 569 (9th Cir. 1995)
- Rand v. Roland, 113 F.3d 1520, 1525 (9th Cir. 1997)
- Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th Cir. 1986)
- Weygandt v. Look, 718 F.2d 952, 954 (9th Cir. 1983)
- Agyeman v. Corr. Corp. of Am., 390 F.3d 1101, 1103 (9th Cir. 2004)

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