

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Melvin Parker, III v. Jeff Lynch, et al.

No. 2:23-cv-0754 DC CSK P · No. No. 2:23-cv-0754 DC CSK P · Decided August 13, 2025

SUMMARY

The United States District Court for the Eastern District of California denied Melvin Parker III’s motion for appointment of new counsel in his 42 U.S.C. § 1983 action. The court held that the excessive-force claims proceeding to trial were not sufficiently complex and that plaintiff’s asserted imprisonment, limited law-library access, and unsupported mental-health concerns did not establish exceptional circumstances. The court also noted that previously appointed counsel had withdrawn and that discovery was closed.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Chi Soo Kim
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	August 13, 2025
DOCKET	No. 2:23-cv-0754 DC CSK P
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, a state prisoner proceeding pro se under 42 U.S.C. § 1983, moved for appointment of new counsel for trial after previously appointed counsel withdrew.
STANDARD OF REVIEW	Discretionary review under the exceptional-circumstances standard for appointment of voluntary counsel in a prisoner civil-rights action.
PRECEDENTIAL VALUE	unpublished
PARTIES	Melvin Parker, III v. Jeff Lynch, Watts, Corture, et al.

TOPICS

- civil rights
- section 1983
- prisoners rights
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether plaintiff demonstrated exceptional circumstances warranting a request for voluntary appointment of counsel in his section 1983 action.
2. Whether the alleged complexity of the excessive-force claims, need for research and investigation, mental-health issues, limited law-library access, and prior counsel's withdrawal established exceptional circumstances.

HOLDINGS

1. A district court may request an attorney to voluntarily represent an indigent prisoner in a section 1983 case only when exceptional circumstances exist, evaluated by considering the plaintiff's likelihood of success on the merits and ability to articulate the claims pro se in light of the complexity of the legal issues; plaintiff bears the burden of demonstrating those circumstances.

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.” (at 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.” (at 1)

FACTUAL BACKGROUND

The action proceeded to trial on plaintiff's claims that correctional officers Watts and Corture used excessive force during a cell search on August 10, 2022. Plaintiff alleged that the officers punched him, slammed him to the ground, twisted his arms, and placed a knee on his neck. Plaintiff sought new appointed counsel, citing imprisonment, limited law-library access, mental-health issues, the complexity of the claims, and the need for investigation and witness preparation. Discovery was closed, and the court found that plaintiff had not shown that his circumstances prevented him from litigating the case.

PROCEDURAL HISTORY

The court previously appointed Benjamin Rudolph Delson to represent plaintiff. Delson moved to withdraw based on irreconcilable disagreements and difficulties in effectively carrying out the representation, and the court granted the withdrawal motion. After the court set the matter for jury trial, plaintiff moved for appointment of new counsel; the court denied the motion.

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)

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