

**UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA**

Joseph Dale Young v. NaphCare Inc.

Young v. NaphCare Inc. · No. 25-cv-07382-VKD · Decided October 30, 2025

OPINION

1 2 3 4 UNITED STATES DISTRICT COURT 5 NORTHERN DISTRICT OF CALIFORNIA 6
SAN JOSE DIVISION 7 8 JOSEPH DALE YOUNG, Case No. 25-cv-07382-VKD 9 Plaintiff,
ORDER (1) GRANTING (AS MODIFIED) PLAINTIFF’S MOTION 10 v. TO CONTINUE
DEADLINES AND (2) DENYING WITHOUT PREJUDICE 11 MOTION FOR
APPOINTMENT OF NAPHCARE INC., COUNSEL 12 Defendant. Re: Dkt. Nos. 9, 12 13 14 On
September 2, 2025, Mr. Young, proceeding pro se, filed the present action pursuant to 15 42
U.S.C. § 1983, alleging violation of his constitutional rights and complaining of inadequate 16
medical services during his incarceration at the Santa Cruz County Jail.

See Dkt. No. 1. On 17 September 4, 2025, the Court granted Mr. Young’s application to proceed in
forma pauperis. Dkt. 18 No. 6. The docket reflects that the complaint and summons were served
on October 24, 2025. See 19 Dkt. No. 15. 20 Presently pending before the Court is Mr. Young’s
motion to continue all case 21 management deadlines (Dkt. No. 9) and his motion for the
appointment of counsel (Dkt.

No. 12).1 22 For the reasons discussed below, the Court grants (as modified) Mr. Young’s request
for a 23 continuance and denies without prejudice his motion for the appointment of counsel. 24
On September 10, 2025, Mr. Young moved to continue all case management dates, stating 25 26 1
Mr. Young filed an unsigned motion for appointment of counsel on September 19, 2025.

Dkt. No. 11. He subsequently filed a signed version of the same motion on September 22, 2025.
Dkt. 27 No. 12. The Court terminates the earlier-filed unsigned motion and treats the later-filed
signed 1 that he would be incarcerated beginning on September 11, 2025. Dkt. No. 9. He requests
a 2 continuance “until sixty (60) days after [his] release from custody.” Id. at ECF 3.

Mr. Young 3 states that his “incarceration is temporary,” but also notes that he is “awaiting
transfer for the 4 remainder of [his] three-year sentence or until [his] habeas corpus petition is
reviewed.” Id. at 5 ECF 2, 3. Mr. Young provides no information about how long he expects his
present 6 incarceration to last. While the Court is disinclined at this time to continue all case
management 7 dates pending Mr. Young’s release from custody (whenever that might be), the
Court will 8 continue the initial case management conference for about 45 days.

Accordingly, the initial case 9 management conference is re-set for January 20, 2026, 1:30 p.m. The parties' joint case 10 management statement is due by January 13, 2026. All other deadlines set in the Order Setting 11 Initial Case Management Conference and ADR Deadlines (Dkt. No. 5) are adjusted accordingly. 12 Unless otherwise ordered, case management conferences are conducted by Zoom Webinar.

To the 13 extent Mr. Young wishes to appear via some other remote means (e.g., telephone), he should file a 14 request no later than 7 days before the case management conference. 15 Mr. Young also moves pursuant to 28 U.S.C. § 1915(e)(1) for the appointment of counsel, 16 stating that "[t]his case involves complex issues requiring discovery into medical records, 17 correctional policies, and corporate practices." Dkt.

No. 12 at ECF 2. Additionally, he asserts that 18 he "lacks formal legal training and resources to obtain and present evidence" of his claims. Id. 19 There is no constitutional right to counsel in a civil case unless an indigent litigant may lose his 20 physical liberty if he loses the litigation. See *Lassiter v. Dep't of Soc. Servs.*, 452 U.S. 18, 25 21 (1981); *Rand v. Rowland*, 113 F.3d 1520, 1525 (9th Cir.

1997) (no constitutional right to counsel 22 in § 1983 action), withdrawn in part on other grounds on reh'g en banc, 154 F.3d 952 (9th Cir. 23 1998) (en banc). A motion for the appointment of counsel for an indigent litigant under § 1915 24 may be granted, in the Court's discretion, only in exceptional circumstances, which requires 25 consideration of "the likelihood of success on the merits and the ability of the petitioner to 26 articulate his claims pro se in light of the complexity of the legal issues involved." *Terrell v. 27 Brewer*, 935 F.2d 1015, 1017 (9th Cir.

1991) (quotations and citation omitted). The present action 1 circumstances would warrant seeking volunteer counsel to accept a pro bono appointment. 2 || Accordingly, Mr. Young's motion to appoint counsel is denied, without prejudice to raise the 3 matter later in these proceedings, e.g., at the initial case management conference. 4 Mr. Young is reminded that while this case is pending, he must promptly inform the Court 5 || of any change of address.

Failure to do so may result in dismissal of this action. 6 IT IS SO ORDERED. 7 Dated: October 30, 2025 8 9 Virginia K. DeMarchi 10 United States Magistrate Judge 11 12 13 © 15 16 = 17 Z 18 19 20 21 22 23 24 25 26 27 28