

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

Paleveda v. Alameda County

No. 24-cv-08716-RMI (N.D. Cal. May 21, 2025) · No. 24-cv-08716-RMI · Decided May 21, 2025

OPINION

Paleveda v. Alameda County

PER CURIAM.

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4 UNITED STATES DISTRICT COURT

5 NORTHERN DISTRICT OF CALIFORNIA

6 7 NICHOLAS EWING PALEVEDA, Case No. 24-cv-08716-RMI 8 Plaintiff,

ORDER

v. 9 Re: Dkt. Nos. 33, 34 10 ALAMEDA COUNTY, et al., Defendants. 11 12 13 Plaintiff, a
detainee, filed a pro se civil rights complaint under 42 U.S.C. § 1983. The 14 amended complaint
was dismissed with leave for Plaintiff to file a second amended complaint. 15 (Dkt. 32). Plaintiff
submitted filings seeking an extension of time and for the court to appoint 16 counsel. (Dkts. 33,
34). 17 There is no constitutional right to counsel in a civil case. *Lassiter v. Dep't of Social 18*
Services, 452 U.S. 18, 25 (1981). District courts may “request” that counsel represent a litigant 19
who is proceeding in forma pauperis, as Plaintiff is here. See 28 U.S.C. § 1915(e)(1). However, 20
that does not give the courts the power to make “coercive appointments of counsel.” *Mallard v. 21*
U.S. Dist. Court, 490 U.S. 296, 310 (1989). 22 The Ninth Circuit has held that a district court may
ask counsel to represent an indigent 23 litigant only in “exceptional circumstances,” the
determination of which requires an evaluation of 24 (1) the likelihood of success on the merits and
(2) the ability of the plaintiff to articulate his claims 25 pro se in light of the complexity of the
legal issues involved. *Terrell v. Brewer*, 935 F.2d 1015, 26 1017 (9th Cir. 1991). As described in
the prior screening order, the majority of Plaintiff’s 27 allegations fail to state a claim and there is
little likelihood for success on the merits. While 1 likelihood of success on this claim. Further,
Plaintiff has presented his claims adequately and the 2 || issues are not complex. The motion to
appoint counsel (dkt. 34) is therefore DENIED without 3 prejudice. 4 For good cause shown, it is
hereby ORDERED that Plaintiffs request for an extension 5 (dkt. 33) to file a second amended
complaint is GRANTED, and the second amended complaint 6 shall be filed by June 20, 2025.
The Clerk is directed to send Plaintiff a copy of the amended 7 || complaint (dkt. 20) to review.
Plaintiff must file a new second amended complaint. He may not 8 simply write in the margins of
the amended complaint sent by the court. If Plaintiff seeks 9 additional access to the law library,
he must request it at his institution and he may show officials 10 || this order that contains a

deadline. 11 IT IS SO ORDERED. e 12 Dated: May 21, 2025

ROBERT M. ILLMAN

IS United States Magistrate Judge 16 = 17 Z 18 19 20 21 22 23 24 25 26 27 28

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