

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Anthony A. Sanchez v. J. Nunez-Ruiz, et al.

Sanchez v. Nunez-Ruiz · No. 1:21-cv-01770-ADA-EPG (PC) · Decided March 14, 2023

SUMMARY

The United States District Court for the Eastern District of California denied, without prejudice, a state prisoner’s motion for appointment of pro bono counsel in a 42 U.S.C. § 1983 action. The court found that Plaintiff had not shown a likelihood of success on the merits and appeared able to articulate his claims, while allowing him to renew the request at a later stage.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	March 14, 2023
DOCKET	1:21-cv-01770-ADA-EPG (PC)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, a state prisoner proceeding pro se and in forma pauperis in a 42 U.S.C. § 1983 action, moved for appointment of pro bono counsel.
STANDARD OF REVIEW	A district court evaluates a request for appointment of pro bono counsel by considering the likelihood of success on the merits and the plaintiff's ability to articulate claims pro se in light of the complexity of the legal issues.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status unknown.
PARTIES	Anthony A. Sanchez v. J. Nunez-Ruiz, et al.

TOPICS

- prisoners rights
- civil rights
- civil procedure

PRACTICE AREAS

- civil rights
- prisoner litigation
- appointment of counsel

QUESTIONS PRESENTED

1. Whether the court should appoint pro bono counsel for a pro se prisoner under 28 U.S.C. § 1915(e)(1).
2. Whether exceptional circumstances existed based on the likelihood of success on the merits and Plaintiff's ability to articulate his claims pro se.

HOLDINGS

1. A plaintiff in this civil rights action does not have a constitutional right to appointed counsel, and the court cannot require an attorney to represent the plaintiff under 28 U.S.C. § 1915(e)(1).
2. Exceptional circumstances did not warrant appointment of pro bono counsel because the court could not determine that Plaintiff was likely to succeed on the merits and Plaintiff appeared able to articulate his claims pro se.

KEY QUOTATIONS

“In determining whether “exceptional circumstances exist, a district court must evaluate both the likelihood of success of the merits [and] the ability of the [plaintiff] to articulate his claims pro se in light of the complexity of the legal issues involved.”” (at 1)

“For the foregoing reasons, IT IS ORDERED that Plaintiff’s motion for appointment of pro bono counsel is DENIED without prejudice.” (at 2)

FACTUAL BACKGROUND

Anthony A. Sanchez is a state prisoner proceeding without counsel and in forma pauperis in a civil rights action under 42 U.S.C. § 1983. He requested pro bono counsel based on his inability to afford counsel, imprisonment, limited law-library access, limited legal knowledge, the asserted complexity of the case, and the possibility of conflicting testimony at trial. The court reviewed the record and found that it could not determine that Plaintiff was likely to succeed on the merits and that he appeared able to articulate his claims.

PROCEDURAL HISTORY

Plaintiff filed a motion for appointment of pro bono counsel on March 7, 2023. The district court denied the motion without prejudice, concluding that the record did not establish a likelihood of success on the merits and that Plaintiff appeared able to articulate his claims. The court stated that Plaintiff could renew the request at a later stage of the proceedings.

DISPOSITION

other

CASES CITED

- Rand v. Rowland, 113 F.3d 1520, 1525 (9th Cir. 1997), withdrawn in part on other grounds, 154 F.3d 952 (9th Cir. 1998)
- Mallard v. United States District Court for the Southern District of Iowa, 490 U.S. 296, 298 (1989)

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