

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Wright v. Garrigan

Wright · No. 24-cv-07278-JST · Decided August 21, 2025

SUMMARY

The United States District Court for the Northern District of California denied William L. Wright’s request for reconsideration of the dismissal with prejudice of his Eighth Amendment medical-care action against prison and hospital physicians. The court held that Wright showed no newly discovered evidence, clear error, manifest injustice, or intervening change in controlling law, and that neither reliance on a jailhouse lawyer nor the absence of court-appointed counsel warranted relief. The denial was without prejudice to filing a renewed reconsideration motion accompanied by a proposed second amended complaint.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Jon S. Tigar
JURISDICTION	United States District Court for the Northern District of California
DECIDED	August 21, 2025
DOCKET	24-cv-07278-JST
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff sought reconsideration under Federal Rules of Civil Procedure 59(e) or 60(b) of the dismissal with prejudice of his prisoner civil-rights action for failure to state a cognizable claim.
STANDARD OF REVIEW	A motion for reconsideration after a final judgment or order may proceed under Rule 59(e) or Rule 60(b); reconsideration is appropriate for newly discovered evidence, clear error or manifest injustice, or an intervening change in controlling law. The decision also applied the exceptional-circumstances standard governing appointment of counsel in civil cases.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status unknown and not designated as precedential in the source.
PARTIES	William L. Wright v. Shannon Garrigan, John Dowbak

TOPICS

motion for reconsideration

prisoners rights

civil rights

section 1983

civil procedure

PRACTICE AREAS

Civil procedure

Prisoner civil rights

Constitutional law

QUESTIONS PRESENTED

1. Whether Wright established grounds for reconsideration of the dismissal with prejudice based on newly discovered evidence, clear error, manifest injustice, or an intervening change in controlling law.
2. Whether the Court was required to appoint counsel sua sponte at the pleading stage because Wright's medical-treatment claims presented exceptional circumstances.
3. Whether reliance on a jailhouse lawyer rendered the dismissal with prejudice unjust.

HOLDINGS

1. Reconsideration was not warranted because Wright identified no newly discovered evidence, clear error, manifest injustice, or intervening change in controlling law supporting vacatur of the dismissal.
2. The Court was not required to appoint counsel sua sponte because Wright did not demonstrate exceptional circumstances warranting appointment of counsel in this civil action.
3. Reliance on a jailhouse lawyer did not make the dismissal with prejudice unjust or excuse the deficient pleadings.

KEY QUOTATIONS

“Reconsideration is appropriate if the district court (1) is presented with newly discovered evidence, (2) committed clear error or the initial decision was manifestly unjust, or (3) if there is an intervening change in controlling law.”

“Plaintiff is responsible for the pleadings which he submits to the Court, whether prepared by counsel, a jailhouse lawyer, or himself.”

FACTUAL BACKGROUND

Wright alleged that medical treatment provided by Garrigan and Dowbak for his right hand and wrist between January 27, 2023, and November 7, 2023, constituted deliberate indifference to serious medical needs. The Court determined that the treatment described in the complaints contradicted allegations that defendants routinely delayed treatment or disregarded a ligament tear. Wright argued that he had relied on an incompetent jailhouse lawyer and that the Court should have appointed counsel sua sponte.

PROCEDURAL HISTORY

Wright sued prison physician Shannon Garrigan and hospital physician John Dowbak, alleging deliberate indifference to serious medical needs in violation of the Eighth Amendment. The Court dismissed the initial complaint with leave to amend, identified pleading deficiencies, and provided guidance concerning the

applicable legal principles. After the amended complaint again failed to state a claim, the Court dismissed the action with prejudice. Wright then moved for reconsideration, which the Court denied without prejudice to filing a renewed motion accompanied by a proposed second amended complaint.

DISPOSITION

other

REMAND INSTRUCTIONS

The request for reconsideration was denied without prejudice to filing a renewed motion accompanied by a proposed second amended complaint. The case remained closed.

CASES CITED

- Am. Ironworks & Erectors v. N. Am. Constr. Corp., 248 F.3d 892, 898-99 (9th Cir. 2001)
- McDowell v. Calderon, 197 F.3d 1253, 1255 n.3 (9th Cir. 1999)
- School Dist. No. 1K, Multnomah Cty., Or. v. ACandS, Inc., 5 F.3d 1255, 1262 (9th Cir. 1993)
- Kona Enters., Inc. v. Est. of Bishop, 229 F.3d 877, 890 (9th Cir. 2000)
- Powell v. Basto, 2020 U.S. Dist. LEXIS 78123 (S.D. Cal.)
- Tacho v. Martinez, 862 F.2d 1376, 1381 (9th Cir. 1988)
- Lassiter v. Dep't of Social Svcs., 452 U.S. 18, 25 (1981)
- Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th Cir. 1986)
- Agyeman v. Corrections Corp. of America, 390 F.3d 1101, 1103 (9th Cir. 2004)

OPINION

Wright v. Garrigan

PER CURIAM.

1 2 3

4 UNITED STATES DISTRICT COURT

5 NORTHERN DISTRICT OF CALIFORNIA

6 7 WILLIAM L. WRIGHT, Case No. 24-cv-07278-JST 8 Plaintiff,

ORDER DENYING REQUEST FOR

9 v. RECONSIDERATION

10 SHANNON GARRIGAN, et al., Re: ECF No. 12 Defendants. 11 12 13 Plaintiff has filed this
pro se action, which the Court dismissed on July 30, 2025, for 14 failure to state a cognizable
claim for relief. ECF No. 10. Now pending before the Court is 15 Plaintiff’s request for
reconsideration of the dismissal. ECF No. 12. For the reasons set forth 16 below, the Court
DENIES the request for reconsideration.

17 DISCUSSION

18 I. Background 19 In this action, Plaintiff sued San Quentin State Prison physician Shannon

Garrigan and San Joaquin General Hospital doctor John Dowbak. Plaintiff alleged that the medical treatment provided by these defendants for his right hand and wrist between January 27, 2023 to November 22, 2023 violated the Eighth Amendment's prohibition on deliberate indifference to an inmate's serious medical needs. The Court dismissed the initial complaint with leave to amend because the medical treatment detailed in the initial complaint contradicted the claim that Defendants routinely delayed medical treatment or disregarded the ligament tear in Plaintiff's right hand. The Court identified the deficiencies in the initial complaint and provided Plaintiff with guidance regarding the applicable legal principles. ECF No. 5. The amended complaint again failed to state a claim, despite some slight changes. ECF No. 9. Based on the repeated failure to state a claim, the Court dismissed the action with prejudice in a detailed order. ECF No. 10.

II. Motion for Reconsideration

A. Legal Standard

Where the court's ruling has resulted in a final judgment or order (e.g., after dismissal or summary judgment motion), a motion for reconsideration may be based either on Rule 59(e) (motion to alter or amend judgment) or Rule 60(b) (motion for relief from judgment) of the Federal Rules of Civil Procedure. See *Am. Ironworks & Erectors v. N. Am. Constr. Corp.*, 248 F.3d 892, 898-99 (9th Cir. 2001). The denial of a motion for reconsideration under Rule 59(e) is construed as a denial of relief under Rule 60(b). See *McDowell v. Calderon*, 197 F.3d 1253, 1255 n.3 (9th Cir. 1999) (citation omitted) (en banc). "Reconsideration is appropriate if the district court (1) is presented with newly discovered evidence, (2) committed clear error or the initial decision was manifestly unjust, or (3) if there is an intervening change in controlling law." *School Dist. No. 1K, Multnomah Cty, Or. v. ACandS, Inc.*, 5 F.3d 1255, 1262 (9th Cir. 1993). A motion for reconsideration "may not be used to raise arguments or present evidence for the first time when they could reasonably have been raised earlier in the litigation." *Kona Enters., Inc. v. Est. of Bishop*, 229 F.3d 877, 890 (9th Cir. 2000).

B. Analysis

Plaintiff argues that the Court should vacate the order of dismissal because the failure to state a cognizable claim was due to his reliance on "an incompetent jailhouse lawyer . . . who failed to address the deficiencies identified by the Court, when drafting/filing the 'Amended Complaint.'" ECF No. 12 at 1. Plaintiff acknowledges that the record does not reflect that he relied on jailhouse counsel, but argues that the Court should have sua sponte appointed counsel for Plaintiff at the pleading stage because the claims of delayed medical treatment and malpractice constitute the exceptional circumstances required for appointment of counsel. *Id.* Plaintiff further argues that the Court abused its discretion in dismissing the action with prejudice, stating that in *Powell v. Basto*, 2020 U.S. Dist. LEXIS 78123 (S.D. Cal.), a district court had found that reliance grounds for a motion for reconsideration, in particular where the Ninth Circuit refused to allow such reliance to constitute cause to excuse procedural default, citing to *Tacho v. Martinez*, 862 F.2d 1376, 1381 (9th Cir. 1988). *Id.* at 2-3.

The Court DENIES Plaintiff's request for reconsideration for the following reasons. Plaintiff has not argued, and the record does not support a finding, that there is newly discovered evidence indicating that the action should not have been dismissed

with prejudice; that the Court 7 committed clear error in dismissing the action with prejudice; or that there was an intervening 8 change in controlling law. Plaintiff appears to be arguing that the dismissal with prejudice was 9 manifestly unjust because the complexity of the case required the Court to sua sponte appoint 10 counsel to assist him in drafting a complaint; and because he unknowingly relied on an 11 incompetent jailhouse lawyer. 12 However, the Court was not required to sua sponte appoint counsel for Plaintiff in this 13 case. In civil cases, there is no constitutional right to counsel unless an indigent litigant may lose 14 his physical liberty if he loses the litigation. See *Lassiter v. Dep't of Social Svcs.*, 452 U.S. 18, 25 15 (1981). Appointing counsel is within the court's discretion and is granted only in exceptional 16 circumstances. *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986) (referring to 28 17 U.S.C. § 1915(d), which was subsequently renumbered to 28 U.S.C. § 1915(e)(1)). A finding of 18 "exceptional circumstances" requires an evaluation of the likelihood of the plaintiff's success on 19 the merits and an evaluation of the plaintiff's ability to articulate his claims pro se in light of the 20 complexity of the legal issues involved. See *Agyeman v. Corrections Corp. of America*, 390 F.3d 21 1101, 1103 (9th Cir. 2004). Both of these factors must be viewed together before reaching a 22 decision on a request for counsel under § 1915. See *id.* At the pleading stage, it is difficult to 23 ascertain the likelihood of the plaintiff's success on the merits. Here, there were no exceptional 24 circumstances that warranted appointment of counsel. 25 In addition, the fact that Plaintiff relied on a jailhouse lawyer does not render the Court's 26 dismissal with prejudice unjust. Plaintiff is responsible for the pleadings which he submits to the 27 Court, whether prepared by counsel, a jailhouse lawyer, or himself. Cf. Fed. R. Civ. P. 11(b) (by 1 inquiry, the claims and legal contentions are warranted by existing law). 2 Neither *Powell v. Basto*, 2020 U.S. Dist. LEXIS 78123 (S.D. Cal.), nor *Tacho v. Martinez*, 3 862 F.2d 1376, 1381 (9th Cir. 1988) support vacating the order of dismissal with prejudice. In 4 || *Powell*, the grounds for vacating the dismissal were distinct from the facts here. The *Powell* court 5 || vacated the dismissal because the plaintiff stated that his mental health issues had prevented him 6 || from understanding the court's prior order of dismissal with leave to amend; that the amended 7 complaint had been drafted without assistance; and that the plaintiff now had the assistance of a 8 || jailhouse lawyer and could plead facts that would state a cognizable claim. In contrast, Plaintiff 9 || had the assistance of a jailhouse lawyer in preparing the amended complaint, yet was still unable 10 || to state a cognizable claim. Moreover, it is unclear what facts Plaintiff can allege that would state 11 a cognizable Eighth Amendment claim. *Tacho* is inapplicable here as *Tacho* is a habeas 12 || proceeding.

5 13 CONCLUSION

14 For the reasons set forth above, the Court DENIES the request for reconsideration. ECF 3 15 No. 12. This denial is without prejudice to Plaintiff filing a renewed motion for reconsideration, 16 accompanied by a proposed second amended complaint so that the Court can evaluate whether 3 17 Plaintiff can state a cognizable claim. This case remains closed. 18 This action terminates ECF No. 12. 19 IT IS SO ORDERED. 20 Dated: August 21, 2025 .

71 JON S. TIGAR

22 nited States District Judge 23 24 25 26 27 28

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