

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.

OPINION

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 20 Joaquin General Hospital doctor John
Dowbak.

Plaintiff alleged that the medical treatment 21 provided by these defendants for his right hand and
wrist between January 27, 2023 to November 22 7, 2023 violated the Eighth Amendment's
prohibition on deliberate indifference to an inmate's 23 serious medical needs.

The Court dismissed the initial complaint with leave to amend because the 24 medical treatment
detailed in the initial complaint contradicted the claim that Defendants routinely 25 delayed
medical treatment or disregarded the ligament tear in Plaintiff's right hand.

The Court 26 identified the deficiencies in the initial complaint and provided Plaintiff with
guidance regarding 27 the applicable legal principles. ECF No. 5. The amended complaint again

failed to state a 1 some slight changes. ECF No. 9. Based on the repeated failure to state a claim, the Court 2 dismissed the action with prejudice in a detailed order. ECF No. 10.

3 II. Motion for Reconsideration 4 A. Legal Standard 5 Where the court's ruling has resulted in a final judgment or order (e.g., after dismissal or 6 summary judgment motion), a motion for reconsideration may be based either on Rule 59(e) 7 (motion to alter or amend judgment) or Rule 60(b) (motion for relief from judgment) of the 8 Federal Rules of Civil Procedure.

See *Am. Ironworks & Erectors v. N. Am. Constr. Corp.*, 248 9 F.3d 892, 898-99 (9th Cir. 2001). The denial of a motion for reconsideration under Rule 59(e) is 10 construed as a denial of relief under Rule 60(b). See *McDowell v. Calderon*, 197 F.3d 1253, 1255 11 n.3 (9th Cir. 1999) (citation omitted) (en banc). "Reconsideration is appropriate if the district 12 court (1) is presented with newly discovered evidence, (2) committed clear error or the initial 13 decision was manifestly unjust, or (3) if there is an intervening change in controlling law." School 14 Dist.

No. 1K, *Multnomah Cty, Or. v. ACandS, Inc.*, 5 F.3d 1255, 1262 (9th Cir. 1993). A motion 15 for reconsideration "may not be used to raise arguments or present evidence for the first time when 16 they could reasonably have been raised earlier in the litigation." *Kona Enters., Inc. v. Est. of 17 Bishop*, 229 F.3d 877, 890 (9th Cir. 2000). 18 B. Analysis 19 Plaintiff argues that the Court should vacate the order of dismissal because the failure to 20 state a cognizable claim was due to his reliance on "an incompetent jailhouse lawyer... who 21 failed to address the deficiencies identified by the Court, when drafting/filing the 'Amended 22 Complaint.'" ECF No. 12 at 1.

Plaintiff acknowledges that the record does not reflect that he 23 relied on jailhouse counsel, but argues that the Court should have sua sponte appointed counsel for 24 Plaintiff at the pleading stage because the claims of delayed medical treatment and malpractice 25 constitute the exceptional circumstances required for appointment of counsel. *Id.* Plaintiff further 26 argues that the Court abused its discretion in dismissing the action with prejudice, stating that in 27 *Powell v. Basto*, 2020 U.S. Dist.

LEXIS 78123 (S.D. Cal.), a district court had found that reliance 1 grounds for a motion for reconsideration, in particular where the Ninth Circuit refused to allow 2 such reliance to constitute cause to excuse procedural default, citing to *Tacho v. Martinez*, 862 3 F.2d 1376, 1381 (9th Cir. 1988). *Id.* at 2-3. 4 The Court DENIES Plaintiff's request for reconsideration for the following reasons.

5 Plaintiff has not argued, and the record does not support a finding, that there is newly discovered 6 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