

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Clark v. Wong

Clark v. Wong · No. 2:23-CV-1439-DMC-P · Decided June 11, 2025

SUMMARY

The United States District Court for the Eastern District of California denied Bryan Clark’s motion for appointment of counsel in his 42 U.S.C. § 1983 action. The court found no exceptional circumstances, while granting his motion for an extension of time and deeming his opposition to the defendant’s summary-judgment motion timely.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Dennis M. Cota
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	June 11, 2025
DOCKET	2:23-CV-1439-DMC-P
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for appointment of counsel and for an extension of time to oppose Defendant's motion for summary judgment.
STANDARD OF REVIEW	The court evaluated appointment of counsel under the exceptional-circumstances standard, considering the plaintiff's likelihood of success on the merits and ability to articulate claims in light of the complexity of the legal issues.
PRECEDENTIAL VALUE	unpublished and nonprecedential district court order

TOPICS

- civil procedure
- section 1983
- prisoners rights
- summary judgment

PRACTICE AREAS

- civil procedure
- civil rights
- prisoner civil rights

QUESTIONS PRESENTED

1. Whether exceptional circumstances warranted the court's request for voluntary appointment of counsel under 28 U.S.C. § 1915(e)(1).
2. Whether Plaintiff should receive additional time to oppose Defendant's motion for summary judgment.

HOLDINGS

1. Appointment of counsel was not warranted because Plaintiff failed to establish exceptional circumstances.
2. The motion for an extension of time was granted, and Plaintiff's opposition filed on April 23, 2025, was deemed timely.

KEY QUOTATIONS

“The test for “exceptional circumstances” requires the Court to evaluate the plaintiff’s likelihood success on the merits and the ability of the plaintiff to articulate his claims on his own in light of the complexity of the legal issues involved.” (1)

“Plaintiff’s motion for the appointment of counsel, ECF No. 29, is denied.” (2)

“Plaintiff’s motion for an extension of time, ECF No. 28, to file an opposition to Defendant’s motion for summary judgment is granted and Plaintiffs opposition brief filed on April 23, 2025, is deemed timely.” (2)

FACTUAL BACKGROUND

Plaintiff is a prisoner proceeding pro se in a civil rights action and alleged that he had lost sight in his right eye and was suffering from headaches. Despite those difficulties, he was able to prosecute the action and file an opposition to Defendant's motion for summary judgment. The court found no particular likelihood of success on the merits and no unusual factual or legal complexity.

PROCEDURAL HISTORY

Plaintiff, a pro se prisoner, brought a 42 U.S.C. § 1983 action. While Defendant's motion for summary judgment was pending, Plaintiff moved for appointment of counsel and an extension of time to file his opposition. The court denied appointment of counsel, granted the extension, and deemed Plaintiff's opposition timely.

DISPOSITION

other

CASES CITED

- Mallard v. United States Dist. Court, 490 U.S. 296, 298 (1989)
- Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991)
- Wood v. Housewright, 900 F.2d 1332, 1335-36 (9th Cir. 1990)
- Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th Cir. 1986)
- Weygandt v. Look, 718 F.2d 952, 954 (9th Cir. 1983)

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