UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA

Janoiko v. Marchak, et al.

Janoiko · No. 1:24-cv-00652-CDB (PC) · Decided January 6, 2026

SUMMARY

The United States District Court for the Eastern District of California denied without prejudice Plaintiff Richard Janoiko's motion for appointment of counsel and request for guidance on adding defendants and entities to his 42 U.S.C. § 1983 action. The court found no exceptional circumstances warranting appointed counsel and explained that adding new parties generally requires an amended complaint, while noting that the amendment deadline had passed.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Barbara A. McAuliffe
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	January 6, 2026
DOCKET	1:24-cv-00652-CDB (PC)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, a pro se state prisoner proceeding in forma pauperis under 42 U.S.C. § 1983, moved for appointment of counsel and requested guidance regarding adding additional persons and entities as defendants. The district court denied both requests without prejudice.
STANDARD OF REVIEW	The court evaluated appointment of counsel under the exceptional-circumstances standard, 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PRECEDENTIAL VALUE	unpublished district-court order

TOPICS

civil procedure · motion to amend · section 1983 · prisoners rights · civil rights

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 the court could provide Plaintiff legal advice about adding new defendants and entities to the action after the deadline for amending pleadings had expired.

HOLDINGS

1. Appointment of counsel was not warranted because Plaintiff did not demonstrate the required exceptional circumstances. The court could not determine that Plaintiff was likely to succeed on the merits, and the record did not show that he was unable to adequately articulate his claims pro se.
2. The court could not provide Plaintiff legal advice about adding defendants. Generally, adding new parties requires filing an amended complaint complying with Federal Rule of Civil Procedure 8, but Plaintiff was reminded that the deadline for amending the pleadings had expired.

KEY QUOTATIONS

> *"However, in certain exceptional circumstances the court may request the voluntary assistance of counsel pursuant to section 1915(e)(1)."* (at 1)

> *"Plaintiff is informed that the Court cannot provide him with legal advice."* (at 2)

FACTUAL BACKGROUND

Plaintiff is a state prisoner proceeding without counsel who alleged mobility and vision impairments, including tardive dyskinesia and vision in only one eye. He sought appointed counsel and asked how to add wardens, chief medical officers, CDCR directors, and pharmaceutical companies to his civil-rights action concerning alleged deliberate indifference to serious medical needs.

PROCEDURAL HISTORY

The action proceeds against Marchak, Galarza, and Nikzad on deliberate-indifference claims concerning serious medical needs under the Eighth Amendment. Plaintiff's complaint had been screened and found to state cognizable claims, and the deadline for amending pleadings had expired. The court considered Plaintiff's unopposed motion and request and denied them without prejudice.

DISPOSITION

other

CASES CITED

- Rand v. Rowland, 113 F.3d 1520, 1525 (9th Cir. 1997), rev'd in part on other grounds, 154 F.3d 952, 954 n.1 (9th Cir. 1998)

- Mallard v. U.S. Dist. Court for the S. Dist. of Iowa, 490 U.S. 296, 298 (1989)

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