

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Williams v. Kern State Prison, et al.

Williams v. Kern State Prison · No. 1:24-cv-00556 GSA (PC) · Decided July 29, 2025

SUMMARY

The United States District Court for the Eastern District of California denies without prejudice Charmar Williams’s motion for appointment of counsel in a 42 U.S.C. § 1983 action. The court concludes that exceptional circumstances are not shown because the amended complaint had not yet been screened, the original pleading’s deficiencies appeared readily addressable, and lack of legal education is common among prisoners.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Gary S. Austin
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	July 29, 2025
DOCKET	1:24-cv-00556 GSA (PC)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, a state prisoner proceeding pro se and in forma pauperis, moved for appointment of counsel in his pending 42 U.S.C. § 1983 action.
STANDARD OF REVIEW	The court considered whether exceptional circumstances warranted requesting voluntary counsel, based on the plaintiff’s likelihood of success on the merits and ability to articulate his claims in light of the complexity of the legal issues.
PRECEDENTIAL VALUE	Nonprecedential district court order

TOPICS

- section 1983
- prisoners rights
- civil procedure

PRACTICE AREAS

- civil rights
- civil procedure
- prisoner litigation

QUESTIONS PRESENTED

1. Whether the court should appoint or request counsel to represent the indigent prisoner in the § 1983 action.
2. Whether plaintiff demonstrated exceptional circumstances based on the likelihood of success on the merits and his ability to articulate his claims.

HOLDINGS

1. A district court may not require an attorney to represent an indigent prisoner in a § 1983 action, but may request an attorney to voluntarily represent the plaintiff when exceptional circumstances exist.
2. Plaintiff failed to demonstrate exceptional circumstances warranting a request for voluntary assistance of counsel.

KEY QUOTATIONS

“When determining whether “exceptional circumstances” exist, the court must consider plaintiff’s likelihood of success on the merits as well as the ability of the plaintiff to articulate his claims pro se in light of the complexity of the legal issues involved.” (at 2)

“Finally, circumstances common to most prisoners, such as lack of legal education, do not establish exceptional circumstances that warrant a request for voluntary assistance of counsel.” (at 3)

FACTUAL BACKGROUND

Charmar Williams, a state prisoner proceeding pro se and in forma pauperis, brought a civil rights action under 42 U.S.C. § 1983. He sought appointed counsel, asserting indigence, case complexity, and a need for assistance with an amended complaint, summary-judgment grounds, or a preliminary injunction. The court noted that the amended complaint had not yet been screened and that the original complaint's deficiencies involved missing dates for alleged constitutional violations and an apparent failure to exhaust administrative remedies.

PROCEDURAL HISTORY

Plaintiff filed a civil rights action and an original complaint that the court screened as deficient. He subsequently filed an amended complaint and moved for appointment of counsel. The magistrate judge denied the motion without prejudice before screening the amended complaint.

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)

- Palmer v. Valdez, 560 F.3d 965, 970 (9th Cir. 2009)

OPINION

(PC) Williams v. Kern State Prison

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

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11 CHARMAR WILLIAMS, No. 1:24-cv-00556 GSA (PC)

12 Plaintiff, ORDER DENYING PLAINTIFF'S MOTION

FOR THE APPOINTMENT OF COUNSEL

13 v. (ECF No. 10) 14 KERN STATE PRISON, et al., 15 Defendants. 16 17 Plaintiff, a state
prisoner proceeding pro se and in forma pauperis, has filed this civil 18 rights action seeking relief
under 42 U.S.C. § 1983. The matter was referred to a United States 19 Magistrate Judge pursuant
to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. 20 Plaintiff has filed a motion for the
appointment of counsel. ECF No. 10. For the reasons 21 stated below, the motion will be denied.

22 I. PLAINTIFF'S MOTION FOR THE APPOINTMENT OF COUNSEL

23 In support of Plaintiff's motion for the appointment of counsel he states, in part, that his 24
case is complex and that the legal issues in it needs to be "articulate by an attorney." ECF No. 10
25 at 1. He also states that he is an indigent applicant and that appointing counsel will enable him
to 26 have help with his amended complaint or set grounds for summary judgment or preliminary
27 injunction. Id. 28

1 II. APPLICABLE LAW

2 District courts lack authority to require counsel to represent indigent prisoners in section 3 1983
cases. Mallard v. United States Dist. Court, 490 U.S. 296, 298 (1989). In exceptional 4
circumstances, the court may request an attorney to voluntarily represent such a plaintiff. See 28 5
U.S.C. § 1915(e)(1). Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991); Wood v. 6
Housewright, 900 F.2d 1332, 1335-36 (9th Cir. 1990). When determining whether "exceptional 7
circumstances" exist, the court must consider plaintiff's likelihood of success on the merits as 8
well as the ability of the plaintiff to articulate his claims pro se in light of the complexity of the 9
legal issues involved. Palmer v. Valdez, 560 F.3d 965, 970 (9th Cir. 2009) (district court did not 10
abuse discretion in declining to appoint counsel). The burden of demonstrating exceptional 11
circumstances is on the plaintiff. Id.

12 III. DISCUSSION

13 Plaintiff's motion for the appointment of counsel will be denied for several reasons. First, 14
because Plaintiff's amended complaint has not yet been screened, it is unclear what the likelihood
15 of success it will have on its merits. Second, a review of Plaintiff's original complaint, as well

as 16 of the Court's screening order for it, indicates that Plaintiff's ability to articulate the claims in his 17 complaint is not at issue. In the screening of the original complaint, the Court found that the 18 pleading was deficient for simple, readily addressable reasons like the lack of dates for the 19 alleged constitutional violations and an apparent failure to exhaust administrative remedies. See 20 ECF No. 8 at 3-4 (screening order). 21 Finally, circumstances common to most prisoners, such as lack of legal education, do not 22 establish exceptional circumstances that warrant a request for voluntary assistance of counsel. 23 For these reasons, having considered the factors under Palmer, the Court finds that plaintiff failed 24 to meet his burden of demonstrating exceptional circumstances warranting the appointment of 25 counsel at this time. 26 Accordingly, IT IS HEREBY ORDERED that Plaintiff's motion for the appointment of 27 counsel (ECF No. 10) is DENIED without prejudice. 28 1 IT IS SO ORDERED. 2 3 Dated: July 29, 2025 /s/ Gary S. Austin

UNITED STATES MAGISTRATE JUDGE

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