

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
LOUISIANA, ALEXANDRIA DIVISION

Donald Sylvas v. Jeremy Wiley et al.

Sylvas · No. 1:25-CV-00594 · Decided December 3, 2025

SUMMARY

The court denies Donald Sylvas’s motion to appoint counsel in his 42 U.S.C. § 1983 action and to add a defendant. Applying the exceptional-circumstances standard, the court concludes that the factual and legal issues are not sufficiently complex and that Sylvas has demonstrated an ability to present his claims.

CASE DETAILS

COURT	United States District Court for the Western District of Louisiana, Alexandria Division
WRITING FOR THE COURT	Joseph H. L. Perez-Montes
JURISDICTION	United States District Court for the Western District of Louisiana, Alexandria Division
DECIDED	December 3, 2025
DOCKET	1:25-CV-00594
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, an incarcerated person proceeding under 42 U.S.C. § 1983, moved for appointment of counsel and sought to add Timothy Ward as a defendant. The magistrate judge recommended denial of the motion.
STANDARD OF REVIEW	Discretionary exceptional-circumstances standard governing appointment of counsel in § 1983 actions.
PRECEDENTIAL VALUE	Unclear; memorandum order and recommendation from a federal district court.
PARTIES	Donald Sylvas v. Jeremy Wiley et al.

TOPICS

- section 1983
- civil rights
- prisoners rights
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether exceptional circumstances warranted appointment of counsel for an indigent plaintiff proceeding under 42 U.S.C. § 1983.
2. Whether Sylvas's alleged inability to secure private counsel, incarceration, and asserted complexity of the case justified appointment of counsel.

HOLDINGS

1. Appointment of counsel is not a right in a § 1983 action and is warranted only when exceptional circumstances are present. Sylvas did not demonstrate exceptional circumstances.

KEY QUOTATIONS

“Generally speaking, no right to counsel exists in § 1983 actions [but] appointment of counsel should be made as authorized by 28 U.S.C. § 1915(d) where exceptional circumstances are present.”

“In this case, Sylvas moved for appointment only after the Court granted his motion to amend.”

FACTUAL BACKGROUND

Donald Sylvas was incarcerated at the River Bend Detention Center. He asserted that his case involved complex and disputed questions of fact and law, that he had unsuccessfully attempted to obtain private counsel, and that he had no assets and significant liabilities. The court found that the factual issues were simple, that exceptional skill was not necessary, and that Sylvas had demonstrated an ability to file a complaint and motion.

PROCEDURAL HISTORY

Sylvas filed a civil-rights action and previously obtained leave to amend. He then moved for appointment of counsel, asserting that the case involved complex factual and legal issues and that he had been unable to obtain private counsel. The court concluded that exceptional circumstances were absent and recommended that the motion be denied.

DISPOSITION

other

CASES CITED

- Ulmer v. Chancellor, 691 F.2d 209, 212-13 (5th Cir. 1982)
- Jackson v. Cain, 864 F.2d 1235, 1242 (5th Cir. 1989)
- Branch v. Cole, 686 F.2d 264, 266 (5th Cir. 1982)
- 809 F.3d 793, 799 (5th Cir. 2015)
- 978 F.2d 190, 193 (5th Cir. 1992)

OPINION

Sylvas

PER CURIAM.

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UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

ALEXANDRIA DIVISION

DONALD SYLVAS #106762, CIVIL DOCKET NO. 1:25-CV-00594

Plaintiff SEC P

VERSUS JUDGE EDWARDS

JEREMY WILEY ET AL, MAGISTRATE JUDGE PEREZ-MONTES

Defendants

MEMORANDUM ORDER

Before the Court is a Motion to Appoint Counsel (ECF No. 9). Petitioner seeks appointment of counsel because he has not been able to secure “Inmate Counsel” at his current facility, and to add Timothy Ward as a new Defendant. ECF No. 9. For the following reasons, the Motion to Appoint Counsel (ECF No. 9) is hereby DENIED. I. Background Petitioner is currently incarcerated at the River Bend Detention Center, 9450 Hwy 65 South, Lake Providence, LA (“RBDC”). He claims that this lawsuit involves complex and disputed questions of fact and law. ECF No. 9-1. He also alleges that he has been unable to obtain private counsel despite several attempts; that he has no assets and significant liabilities, and; that he speaks English fluently. II. Law and Analysis The following standards govern motions to appoint counsel: Congress has not specifically authorized courts to appoint counsel for plaintiffs proceeding under 42 U.S.C. § 1983. Under 28 U.S.C. § 1915(e)(1), federal courts are given the power to request that an attorney represent an indigent plaintiff. This language is not significantly different from that of former section 1915(d). [T]he United States Supreme Court [has held] that federal courts can only request that an attorney represent a person unable to employ counsel, because federal courts are not empowered under 28 U.S.C. § 1915(d) to make compulsory appointments. Generally speaking, no right to counsel exists in § 1983 actions [but] appointment of counsel should be made as authorized by 28 U.S.C. § 1915(d) where exceptional circumstances are present. Even when a plaintiff has nonfrivolous § 1983 claims, a “trial court is not required to appoint counsel ... unless the case presents exceptional circumstances.” *Ulmer v. Chancellor*, 691 F.2d 209, 212 (5th Cir. 1982); see also *Jackson v. Cain*, 864 F. 2d 1235, 1242 (5th Cir. 1989). Though the Fifth Circuit has declined to articulate a “comprehensive definition of exceptional circumstances,” *Ulmer*, 691 F.2d at 213 (quoting *Branch v. Cole*, 686 F.2d 264, 266 (5th Cir. 1982)), the court has supplied factors that a district court should consider in determining whether exceptional circumstances warrant the appointment of counsel, including:

1. the type and complexity of the case;

2. the petitioner's ability to present and investigate his case;

3. the presence of evidence which largely consists of conflicting testimony so as to require skill in presentation of evidence and in cross-examination; and

4. the likelihood that appointment will benefit the petitioner, the court, and the defendants by shortening the trial and assisting in just determination. , 809 F.3d 793, 799 (5th Cir. 2015) (citing , 978 F.2d 190, 193 (5th Cir. 1992) (internal quotation marks and citation omitted). Additionally, a court may consider whether a plaintiff has demonstrated the inability to secure private counsel. See Jackson, 864 F.2d. at 1242; Ulmer, 91 F.2d. at 213. In this case, Sylvas moved for appointment only after the Court granted his motion to amend. ECF No. 9. The factual issues are simple; exceptional skill will not be necessary to prosecute the case; However, no other exceptional circumstances warrant appointment of counsel. And Sylvas has already demonstrated the ability to file a complaint and a motion. ECF No. 1, 9. Ill. Conclusion Accordingly; IT IS RECOMMENDED that Sylvas's Motion to Appoint Counsel (ECF No.) be DENIED. SIGNED on Wednesday, December 3, 2025.

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JOSEPH H.L. PEREZ-MONTES

UNITED STATES MAGISTRATE JUDGE