

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Lisa Hale v. City of Phoenix, et al.

No. CV-25-04548-PHX-DJH · No. No. CV-25-04548-PHX-DJH · Decided January 26, 2026

SUMMARY

The court denied Plaintiff Lisa Hale’s motion to appoint counsel because she did not demonstrate exceptional circumstances, including a likelihood of success or sufficient difficulty litigating the case. The court granted a one-time extension, vacated the February 23, 2026 Rule 16 scheduling conference, and reset it for March 23, 2026.

CASE DETAILS

COURT	United States District Court for the District of Arizona
WRITING FOR THE COURT	Diane J. Humetewa
JURISDICTION	United States District Court for the District of Arizona
DECIDED	January 26, 2026
DOCKET	No. CV-25-04548-PHX-DJH
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for appointment of counsel and for an extension of time to continue the Rule 16 scheduling conference in her employment discrimination action.
STANDARD OF REVIEW	The court considered whether exceptional circumstances warranted appointment of counsel under 28 U.S.C. § 1915(e)(1), evaluating the likelihood of success on the merits and the plaintiff’s ability to articulate claims in light of their complexity.
PRECEDENTIAL VALUE	Unknown; district court order
PARTIES	Lisa Hale v. City of Phoenix, et al.

TOPICS

- civil procedure
- employment discrimination

PRACTICE AREAS

- civil procedure
- employment law
- civil rights

QUESTIONS PRESENTED

1. Whether exceptional circumstances warranted appointment of counsel for an indigent civil litigant under 28 U.S.C. § 1915(e)(1).
2. Whether the Rule 16 scheduling conference should be continued to allow Plaintiff additional time to obtain counsel.

HOLDINGS

1. A civil litigant has no constitutional right to appointed counsel, and counsel may be appointed under 28 U.S.C. § 1915(e)(1) only when exceptional circumstances exist.
2. The court may grant a one-time continuance of a Rule 16 scheduling conference to allow a pro se plaintiff additional time to obtain counsel.

KEY QUOTATIONS

“Neither of these considerations is dispositive and instead must be viewed together.” (at 1)

“The Rule 16 Scheduling Conference set for February 23, 2026, is vacated and reset for March 23, 2026, at 3:30 p.m.” (at 2)

FACTUAL BACKGROUND

Lisa Hale is a pro se plaintiff asserting employment discrimination claims against the City of Phoenix and other defendants. She stated that she could not afford private counsel because of continuing health issues and unemployment and that the case presented complex legal issues. The court found that she had not demonstrated a likelihood of success on the merits or difficulty litigating the case caused by complexity.

PROCEDURAL HISTORY

Plaintiff, proceeding pro se, sought appointed counsel based on indigence, health issues, unemployment, and the asserted complexity of the case. She also requested that the scheduling conference be continued to allow additional time to obtain counsel. The court denied appointment of counsel but granted a one-time continuance and reset the scheduling conference.

DISPOSITION

other

CASES CITED

- Johnson v. Dep’t of Treasury, 939 F.2d 820, 824 (9th Cir. 1991)
- Palmer v. Valdez, 560 F.3d 965, 970 (9th Cir. 2009)
- Agyeman v. Corrs. Corp. of Am., 390 F.3d 1101, 1103 (9th Cir. 2004)
- Weygandt v. Look, 718 F.2d 952, 954 (9th Cir. 1983)
- Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991)

- Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th Cir. 1986)

OPINION

1 WO 2 3 4 5 6 IN THE UNITED STATES DISTRICT COURT 7 FOR THE DISTRICT OF ARIZONA 8 9 Lisa Hale, No. CV-25-04548-PHX-DJH 10 Plaintiff, ORDER 11 v. 12 City of Phoenix, et al., 13 Defendants. 14 15 Pro se Plaintiff Lisa Hale has filed a Motion for Extension of Time (Doc. 12) and 16 Motion to Appoint Legal Counsel (Doc. 13).

In her Motion for Extension of Time, she 17 asks that the Scheduling Conference set for February 23, 2026, be continued “to allow 18 more time to obtain legal counsel.” (Doc. 12 at 1). In her Motion to Appoint Legal 19 Counsel, Plaintiff says she is “unable to afford a private attorney due to my continued 20 health issues and unemployment.” (Doc. 13 at 1). She also says the case presents 21 complex legal issues that she does not understand.

(Id.) 22 There is no constitutional right to appointment of counsel in a civil case. See 23 Johnson v. Dep’t of Treasury, 939 F.2d 820, 824 (9th Cir. 1991). “However, a court may 24 under ‘exceptional circumstances’ appoint counsel for indigent civil litigants pursuant to 25 28 U.S.C. § 1915(e)(1).” Palmer v. Valdez, 560 F.3d 965, 970 (9th Cir. 2009) (quoting 26 Agyeman v. Corrs.

Corp. of Am., 390 F.3d 1101, 1103 (9th Cir. 2004)). In determining 27 whether to appoint counsel, the court should consider the likelihood of success on the 28 merits, and the ability of plaintiff to articulate plaintiff’s claims in view of their 1 || complexity. Palmer, 560 F.3d at 970 (quoting Weygandt v. Look, 718 F.2d 952, 954 (9th 2|| Cir. 1983)); see also Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir.

1991). “Neither of || these considerations is dispositive and instead must be viewed together.” Palmer, 560 F.3d at 970 (citing Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th Cir. 1986)). 5 Here, Plaintiff has not demonstrated a likelihood of success on the merits of her 6 || employment discrimination claims. And despite her averment otherwise, she has not || shown that she is experiencing difficulty in litigating this case because of the complexity 8 || of the issues involved.

See Wilborn, 789 F.2d at 1331 (“If all that was required to 9|| establish successfully the complexity of the relevant issues was a demonstration of the || need for development of further facts, practically all cases would involve complex legal 11 |} issues.”).

In making her representations, Plaintiff is in no different position than many □□ other pro se litigants. Presently, this case does not present exceptional circumstances 13 || requiring the appointment of counsel for Plaintiff.! 14 The Court will, however, allow a one-time continuance of the Rule 16 Scheduling 15 | Conference to allow Plaintiff more time to obtain counsel.

16 Accordingly, 17 IT IS ORDERED that Plaintiff’s Motion to Appoint Counsel (Doc. 13) is denied. 18 IT IS FURTHER ORDERED that Plaintiff’s Motion for Extension of Time (Doc. 12) is

granted. The Rule 16 Scheduling Conference set for February 23, 2026, is 20 || vacated and reset for March 23, 2026, at 3:30 p.m.

The remainder of the Court's Order (Doc. 11) is otherwise affirmed. 22 Dated this 26th day of January, 2026. 5 fe □□ 23 norable'Diang4. Hurdetewa 4 United States District Judge 25 26]! | If any claim remains to be tried after dispositive motions are decided, a second motion meantime, the Court encourages Plaintiff to review the self-representation. resources available on this Court's website: [https://www.azd.uscourts.gov/proceeding-without- 28](https://www.azd.uscourts.gov/proceeding-without-28)) attorney. -2-