

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.

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\) attorney](https://www.azd.uscourts.gov/proceeding-without-28)attorney). -2-