

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)

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