

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Deshawn Leavell Green v. State of California

No. 2:23-cv-2243 KJM SCR P · No. No. 2:23-cv-2243 KJM SCR P · Decided April 7, 2025

OPINION

(PC) Green v. State of CA

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

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11 DESHAWN LEAVELL GREEN, No. 2:23-cv-2243 KJM SCR P

12 Plaintiff,

13 v. ORDER APPOINTING

LIMITED PURPOSE COUNSEL

14 STATE OF CALIFORNIA,

15 Defendant. 16

17 18 Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights 19
action under 42 U.S.C. § 1983. For the reasons set forth below, the court will appoint plaintiff 20
counsel for the limited purpose of investigating plaintiff’s claim and drafting and filing an 21
amended complaint.

22 BACKGROUND

23 Plaintiff initiated the action by filing a complaint in the Northern District of California on
24 September 22, 2023. (ECF No. 1). The case was transferred from the Northern District to this
25 court on October 4, 2023. (ECF No. 5.) Plaintiff alleges that his medical needs, including use
of 26 a wheelchair and an “elevation restriction,” required placement at the Stockton Medical
Facility. 27 Plaintiff alleges he was instead placed at High Desert State Prison against his doctors’
orders and 28 1 in violation of his civil rights. 2 Upon screening plaintiff’s original complaint, the
undersigned determined that plaintiff 3 failed to state a claim and granted leave to amend. (ECF
No. 14.) The court provided plaintiff 4 with the relevant legal standards and instructions on how to
amend. (Id.) Plaintiff then filed his 5 first amended complaint on September 9, 2024. (ECF No.
17.) In its second screening order, the 6 court again determined that plaintiff failed to state any
cognizable claims and granted further 7 leave to amend. (ECF No. 20.)

8 APPOINTMENT OF COUNSEL

9 District courts lack authority under 28 U.S.C. § 1915 to require counsel to represent 10 indigent

prisoners in section 1983 cases. *Mallard v. United States Dist. Court*, 490 U.S. 296, 298 11 (1989). In exceptional circumstances, the court may request that an attorney voluntarily represent 12 such a plaintiff. See 28 U.S.C. § 1915(e)(1); *Terrell v. Brewer*, 935 F.2d 1015, 1017 (9th Cir. 13 1991); *Wood v. Housewright*, 900 F.2d 1332, 1335-36 (9th Cir. 1990). It may make this request 14 on its own motion. See *Thorpe v. Hearn*, No. 2: 19-cv-1974 KJM KJN P, 2021 WL 1238417, at 15 *2 (E.D. Cal. Apr. 2, 2021). 16 The court finds the appointment of counsel for plaintiff is warranted for the limited 17 purpose of drafting and filing an amended complaint. Across multiple pleadings, plaintiff has not 18 been able to articulate his claims or follow the court's guidance. Shahid Manzoor has been 19 selected from the court's pro bono attorney panel to represent plaintiff for this limited purpose 20 and has agreed to be appointed. 21 Accordingly, IT IS HEREBY ORDERED that: 22 1. The portion of the court's March 28, 2025, screening order (ECF No. 20) granting 23 plaintiff leave to file an amended complaint within sixty days from the date of service of this 24 order is vacated. 25 2. Shahid Manzoor is appointed as limited purpose counsel in the above titled matter. 26 This appointment is for the limited purpose of investigating the claim and drafting and filing an 27 amended complaint. The amended complaint is due 90 days from the date of this order. 28 1 3. Shahid Manzoor's appointment will terminate when plaintiff's amended complaint 2 | is filed, or files a notice that an amended complaint would not be appropriate. 3 4. Appointed counsel shall notify Sujean Park via email at spark@caed.uscourts.gov 4 | if he has any questions related to the appointment. 5 5. The Clerk of the Court is directed to serve a copy of this order upon Shahid 6 || Manzoor, Manzoor Law Firm Inc., 3017 Douglas Blvd., Suite 104, Roseville, California 95661. 7 | DATE: April 7, 2025 8 9 □□□

10 SEAN C. RIORDAN

UNITED STATES MAGISTRATE JUDGE

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