

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Paul Tuilaepa v. Jason Schultz, et al.

Tuilaepa v. Schultz · No. No. 2:25-cv-3156 CSK P · Decided December 23, 2025

SUMMARY

The United States District Court for the Eastern District of California denied plaintiff Paul Tuilaepa’s requests for appointment of counsel, an extension of time, and waiver of the filing fee. The court found no exceptional circumstances warranting appointed counsel, no pending deadline requiring an extension, and no authority to waive the filing fee for a prisoner proceeding in forma pauperis.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Chi Soo Kim
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	December 23, 2025
DOCKET	No. 2:25-cv-3156 CSK P
DISPOSITION	other
PROCEDURAL POSTURE	A state prisoner proceeding pro se under 42 U.S.C. § 1983 requested appointment of counsel, an extension of time, and waiver of the filing fee. The district court denied all three requests.
STANDARD OF REVIEW	Appointment of counsel is committed to the court's discretion and requires consideration of the plaintiff's likelihood of success on the merits and ability to articulate claims in light of their complexity. The court also applied the statutory requirements governing filing fees for prisoners proceeding in forma pauperis.
PRECEDENTIAL VALUE	unpublished, nonprecedential district court order
PARTIES	Paul Tuilaepa v. Jason Schultz, et al.

TOPICS

- section 1983
- prisoners rights
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether exceptional circumstances warranted the court's request for voluntary appointment of counsel for the indigent prisoner.
2. Whether plaintiff was entitled to an extension of time when no complaint or other pleading deadline was pending.
3. Whether the court had authority to waive the filing fee or the statutory obligation to pay the full fee through installments under 28 U.S.C. § 1915(b).

HOLDINGS

1. The court denied plaintiff's request for appointment of counsel without prejudice because he failed to demonstrate exceptional circumstances.
2. The request for an extension of time was denied as unnecessary because no deadline for filing a complaint or other pleading was pending.
3. The court denied plaintiff's request to waive the filing fee because the court lacked authority or a statutory mechanism to waive the full filing fee required of a prisoner proceeding in forma pauperis.

KEY QUOTATIONS

““(If a prisoner brings a civil action or files an appeal in forma pauperis, the prisoner shall be required to pay the full amount of a filing fee.”” (at 2)

FACTUAL BACKGROUND

Plaintiff is a state prisoner proceeding without counsel in a § 1983 action. He asserted that prison lockdown conditions and inability to afford the filing fee justified an extension of time and waiver of the fee, while also seeking appointment of counsel. The court noted that plaintiff had already been granted in forma pauperis status, assessed an initial partial filing fee, and ordered installment payments from his trust account.

PROCEDURAL HISTORY

The court previously screened the complaint, found a potentially colorable Eighth Amendment medical-care claim against defendant Solorio, dismissed another claim and all claims against defendant Schultz, and permitted plaintiff to proceed on the medical-care claim. Plaintiff elected to proceed only on that claim, service was ordered, and defendant Solorio filed a notice of intent to waive service. Plaintiff then filed the requests addressed in this order.

DISPOSITION

other

CASES CITED

- *Mallard v. United States Dist. Court*, 490 U.S. 296, 298 (1989)
- *Terrell v. Brewer*, 935 F.2d 1015, 1017 (9th Cir. 1991)
- *Wood v. Housewright*, 900 F.2d 1332, 1335-36 (9th Cir. 1990)
- *Palmer v. Valdez*, 560 F.3d 965, 970 (9th Cir. 2009)
- *Deleon-Carbajal v. Oregon Department of Corrections*, 2022 WL 3912578, at *1 (D. Or. Aug. 30, 2022)
- *Johnson v. Darr*, 2018 WL 4185424, at *2 (S.D. Cal. Aug. 31, 2018)

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