

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Trammel v. Ramos

Trammel v. Ramos · No. 2:23-cv-1111 KJM AC P · Decided June 12, 2025

SUMMARY

The court vacates its prior findings and recommendations concerning defendants’ motion to stay and orders supplemental briefing on Younger abstention and the potential application of Heck v. Humphrey. The court also denies without prejudice the plaintiff’s motion for appointment of counsel, finding no exceptional circumstances established at this stage.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	June 12, 2025
DOCKET	2:23-cv-1111 KJM AC P
DISPOSITION	other
PROCEDURAL POSTURE	Order addressing defendants' objections to findings and recommendations concerning a motion to stay and plaintiff's motion for appointment of counsel in a prisoner civil-rights action.
STANDARD OF REVIEW	Appointment of counsel is discretionary and requires consideration of the plaintiff's likelihood of success on the merits and ability to articulate claims pro se in light of the complexity of the legal issues; the plaintiff bears the burden of demonstrating exceptional circumstances.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status unknown.

TOPICS

- section 1983
- civil procedure
- right to counsel

PRACTICE AREAS

- Civil procedure
- Civil rights
- Prisoner litigation

QUESTIONS PRESENTED

1. Whether the prior findings and recommendations concerning defendants' motion for a stay should be vacated and supplemental briefing permitted after defendants raised more fully developed Younger abstention and Heck arguments in their objections.
2. Whether plaintiff demonstrated exceptional circumstances warranting appointment of counsel in the section 1983 action.

HOLDINGS

1. The findings and recommendations issued on May 13, 2025, were vacated, and defendants were permitted to file supplemental briefing addressing whether Younger abstention applied and why the action would be barred by Heck if plaintiff were convicted in state court.
2. Plaintiff failed to demonstrate exceptional circumstances warranting appointment of counsel, and his motion was denied without prejudice.

KEY QUOTATIONS

“District courts lack authority to require counsel to represent indigent prisoners in section 1983 cases.” (at 1)

“When determining whether “exceptional circumstances” exist, the court must consider plaintiff’s likelihood of success on the merits as well as the ability of the plaintiff to articulate his claims pro se in light of the complexity of the legal issues involved.” (at 1)

FACTUAL BACKGROUND

Plaintiff is a state prisoner proceeding pro se in a section 1983 action involving a related state criminal case. Defendants moved for a stay, and after an initial recommendation against a stay, they objected by more fully presenting Younger abstention and Heck-bar arguments and requesting judicial notice of a state preliminary-hearing transcript. Plaintiff moved for appointment of counsel based on alleged mental and physical limitations.

PROCEDURAL HISTORY

The magistrate judge previously recommended denying defendants' motion for a stay based on Pullman abstention and concluded that Younger abstention and defendants' cursory Heck argument did not warrant a stay. Defendants objected, raised more fully developed Younger and Heck arguments, and sought judicial notice of a state preliminary-hearing transcript. The district court vacated the findings and recommendations, authorized supplemental briefing on the stay, and denied plaintiff's motion for appointment of counsel without prejudice.

DISPOSITION

other

REMAND INSTRUCTIONS

Defendants may file a supplemental brief in support of their motion to stay within twenty-one days of service of the order; plaintiff may respond within twenty-one days after service of the supplemental brief. The matter will then be submitted for decision.

CASES CITED

- Railroad Commission of Texas v. Pullman Co., 312 U.S. 496 (1941)
- Younger v. Harris, 401 U.S. 37 (1971)
- Heck v. Humphrey, 512 U.S. 477 (1994)
- 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)

OPINION

(PC) Trammel v. Ramos

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11 DEMARION TRAMMEL, No. 2:23-cv-1111 KJM AC P

12 Plaintiff, 13 v. ORDER 14 A. RAMOS, et al., 15 Defendants. 16 17 Plaintiff is a state prisoner
proceeding pro se. Findings and Recommendations regarding 18 defendant's motion for a stay
have been submitted to the district judge (ECF No. 51), and 19 defendants have filed objections
(ECF No. 52). In light of those objections, for the reasons 20 explained below, the Findings and
Recommendations will be vacated and supplemental briefing 21 ordered. The court also addresses
plaintiff's motion for appointment of counsel (ECF No. 53). 22 I. Objections to Findings and
Recommendations 23 On May 13, 2025, the undersigned recommended the denial of defendants'
motion for a 24 stay pursuant to Railroad Commission of Texas v. Pullman Co., 312 U.S. 496
(1941). ECF No. 25 51. In so recommending, the undersigned also sua sponte considered whether
abstention was 26 appropriate under Younger v. Harris, 401 U.S. 37 (1971), and found that it was
not. Id. at 4-6. It 27 was further noted that, for the same reasons Younger abstention was not
appropriate, defendants' 28 cursory argument that plaintiff's claims would be barred by Heck v.
Humphrey, 512 U.S. 477 1 (1994), was also unconvincing. Id. at 5 n.3. 2 Defendants have now
filed objections to the findings and recommendations in which they 3 argue for the first time that
Younger abstention is appropriate, and—unlike in their moving 4 papers—fully articulate their
argument that plaintiff's claims will be barred by Heck. ECF No. 5 52. They also request that the
court take judicial notice of the transcript of plaintiff's preliminary 6 hearing in his state criminal
case. ECF No. 52-1. 7 Although defendants should have fully briefed their Heck bar theory in their
moving 8 papers rather than in their objections, in the interests of judicial economy the May 13,
2025 9 findings and recommendations will be vacated and defendants will be given an opportunity
to 10 provide supplemental briefing on whether Younger abstention is appropriate in this case, 11

including any arguments as to why this case would be Heck barred if plaintiff is convicted in the 12 state court. Defendants should present all arguments for why a stay is appropriate that they may 13 wish to make. Plaintiff will then be given an opportunity to respond, at which point the matter 14 will be submitted for decision. 15 II. Motion for Counsel 16 Plaintiff has moved for appointment of counsel. ECF No. 53. District courts lack 17 authority to require counsel to represent indigent prisoners in section 1983 cases. *Mallard v. 18 United States Dist. Court*, 490 U.S. 296, 298 (1989). In exceptional circumstances, the court may 19 request an attorney to voluntarily represent such a plaintiff. See 28 U.S.C. § 1915(e)(1); *Terrell 20 v. Brewer*, 935 F.2d 1015, 1017 (9th Cir. 1991); *Wood v. Housewright*, 900 F.2d 1332, 1335-36 21 (9th Cir. 1990). When determining whether “exceptional circumstances” exist, the court must 22 consider plaintiff’s likelihood of success on the merits as well as the ability of the plaintiff to 23 articulate his claims pro se in light of the complexity of the legal issues involved. *Palmer v. 24 Valdez*, 560 F.3d 965, 970 (9th Cir. 2009) (district court did not abuse discretion in declining to 25 appoint counsel). The burden of demonstrating exceptional circumstances is on the plaintiff. *Id.* 26 Circumstances common to most prisoners, such as lack of legal education and limited law library 27 access, do not establish exceptional circumstances that warrant a request for voluntary assistance 28 of counsel.] Plaintiff seeks appointment of counsel on the ground that he requires assistance going into 2 | trial because of his mental and physical capabilities. ECF No. 53. However, it has not yet been 3 || determined whether this case will proceed to trial, and plaintiff has not provided any explanation 4 || or evidence demonstrating that his mental and physical capabilities render him unable to represent 5 || himself. Plaintiff has therefore failed to meet his burden of demonstrating exceptional 6 || circumstances warranting the appointment of counsel at this time. 7 Accordingly, IT IS HEREBY ORDERED that: 8 1. The Findings and Recommendations issued on May 13, 2025 (ECF No. 51) are 9 | VACATED. 10 2. Within twenty-one days of the service of this order, defendants may file a 11 || supplemental brief in support of their motion to stay, as set forth above. Plaintiff may file a 12 || response within twenty-one days of service of the supplemental brief. 13 3. Plaintiffs motion for the appointment of counsel (ECF No. 53) is DENIED without 14 | prejudice. 15 || DATED: June 12, 2025 '

17 UNITED STATES MAGISTRATE JUDGE

18 19 20 21 22 23 24 25 26 27 28