

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Dukes v. Chau

No. 1:25-cv-00486-SAB (PC) (E.D. Cal. May 2, 2025) · No. 1:25-cv-00486-SAB (PC) · Decided May 2, 2025

SUMMARY

The United States District Court for the Eastern District of California denied without prejudice plaintiff Darnell Maurice Dukes’s motion for appointment of counsel in his pro se civil rights action under 42 U.S.C. § 1983. The court found no exceptional circumstances warranting volunteer counsel because the claims did not appear unusually complex, plaintiff could articulate his allegations, and the court had not yet screened the complaint to assess the likelihood of success.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Stanley A. Boone
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	May 2, 2025
DOCKET	1:25-cv-00486-SAB (PC)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, proceeding pro se and in forma pauperis in a 42 U.S.C. § 1983 action, moved for appointment of counsel.
STANDARD OF REVIEW	The court evaluated whether exceptional circumstances warranted requesting voluntary counsel under 28 U.S.C. § 1915(e)(1), considering both the likelihood of success on the merits and the plaintiff's ability to articulate claims pro se in light of the complexity of the legal issues.
PRECEDENTIAL VALUE	unpublished district court order

TOPICS

- civil rights
- prisoners rights
- section 1983
- civil procedure

PRACTICE AREAS

- civil rights
- prisoner civil rights
- federal civil procedure

QUESTIONS PRESENTED

1. Whether the court should request volunteer counsel for a pro se prisoner under 28 U.S.C. § 1915(e)(1) based on alleged exceptional circumstances.

HOLDINGS

1. The court may request voluntary assistance of counsel under 28 U.S.C. § 1915(e)(1) only in exceptional circumstances, evaluated by considering both the likelihood of success on the merits and the plaintiff's ability to articulate the claims pro se in light of the complexity of the legal issues. Plaintiff did not establish exceptional circumstances at this stage, so the motion for appointment of counsel was denied without prejudice.

KEY QUOTATIONS

“In determining whether “exceptional circumstances exist, the district court must evaluate both the likelihood of success on the merits [and] the ability of the [plaintiff] to articulate his claims pro se in light of the complexity of the legal issues involved.”” (at 1)

“Accordingly, Plaintiff's the motion for appointment of counsel is DENIED without prejudice to its renewal at a later stage of these proceedings.” (at 2)

FACTUAL BACKGROUND

Darnell Maurice Dukes, a prisoner proceeding pro se and in forma pauperis, filed a § 1983 action against James Chau and other defendants. He sought appointed counsel based on unsuccessful efforts to obtain counsel, inability to afford counsel, limited access to legal materials, limited education, medical issues, and his prisoner status. The court found that he could legibly articulate the relevant facts, that the claims did not appear exceptionally legally complex, and that the complaint had not yet been screened.

PROCEDURAL HISTORY

Plaintiff filed the § 1983 action and a motion for appointment of counsel on April 28, 2025. The district court denied the motion without prejudice because the record did not establish exceptional circumstances, the complaint appeared articulable and not unusually complex, and the court had not yet screened the complaint sufficiently to assess the likelihood of success.

DISPOSITION

other

CASES CITED

- Rand v. Rowland, 113 F.3d 1520, 1525 (9th Cir. 1997)
- Mallard v. United States District Court for the Southern District of Iowa, 490 U.S. 296, 298 (1989)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 DARNELL MAURICE DUKES, No. 1:25-cv-00486-SAB (PC) 12 Plaintiff,
ORDER DENYING PLAINTIFF’S MOTION FOR APPOINTMENT OF COUNSEL, 13 v.
WITHOUT PREJUDICE 14 JAMES CHAU, et al., (ECF No. 3) 15 Defendants. 16 17 18 Plaintiff
is proceeding pro se and in forma pauperis in this action filed pursuant to 42 U.S.C. § 1983.

20 Plaintiff filed the instant action on April 28, 2025, along with a motion for appointment of 21
counsel. (ECF Nos. 1, 3.) Plaintiff seeks appointment of counsel on the basis that he has made 22
unsuccessful efforts to obtain counsel, is unable to afford counsel, has limited access to the law 23
library and legal materials, has limited education, and his medical issues coupled with his status 24
as a prisoner limit his ability to litigate this case.

(ECF No. 3.) 25 Plaintiff does not have a constitutional right to appointed counsel in this action,
Rand v. 26 Rowland, 113 F.3d 1520, 1525 (9th Cir. 1997), and the court cannot require any
attorney to 27 represent plaintiff pursuant to 28 U.S.C. § 1915(e)(1). Mallard v. United States
District Court for 28 the Southern District of Iowa, 490 U.S. 296, 298 (1989).

However, in certain exceptional 1 | circumstances the court may request the voluntary assistance of
counsel pursuant to section 2 | 1915(e)(1). Rand, 113 F.3d at 1525. 3 Without a reasonable method
of securing and compensating counsel, the court will seek 4 | volunteer counsel only in the most
serious and exceptional cases.

In determining whether 5 | “exceptional circumstances exist, the district court must evaluate both
the likelihood of success 6 | on the merits [and] the ability of the [plaintiff] to articulate his claims
pro se in light of the 7 | complexity of the legal issues involved.” Id. (internal quotation marks and
citations omitted). 8 In the present case, the Court does not find the required exceptional
circumstances.

A 9 | cursory review of Plaintiff's complaint demonstrates that he is capable of legibly articulating
the 10 | facts and circumstances relevant to his claims, which do not appear to be exceptionally
legally 11 | complex, and the Court has yet to screen his complaint and cannot determine whether
he is likely 12 | to succeed on the merits of his claims.

Accordingly, Plaintiff's the motion for appointment of 13 counsel is DENIED without prejudice to
its renewal at a later stage of these proceedings. 14 15 16 IT IS SO ORDERED. DAM Le 17 |
Dated: _May 2, 2025 _ Oe STANLEY A. BOONE 18 United States Magistrate Judge 19 20 21 22
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