

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Samuel Latu v. B. Holmes, et al.

Latu v. Holmes · No. 2:20-CV-1518-WBS-DMC-P · Decided August 14, 2025

SUMMARY

The court denied a pro se prisoner’s motion seeking appointment of counsel, discovery relief, and additional time to oppose defendants’ motion for summary judgment. It concluded that exceptional circumstances did not warrant requesting voluntary counsel, the discovery request was procedurally defective and untimely, and further extensions were unwarranted. The court stated that defendants’ summary-judgment motion would be addressed separately through findings and recommendations.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Dennis M. Cota
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	August 14, 2025
DOCKET	2:20-CV-1518-WBS-DMC-P
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, a pro se prisoner proceeding under 42 U.S.C. § 1983, moved to compel discovery, appoint counsel, and extend the deadline to oppose defendants' motion for summary judgment. The court denied all requested relief.
STANDARD OF REVIEW	The court evaluated the request for appointed counsel under the exceptional-circumstances standard, considering likelihood of success on the merits and the plaintiff's ability to articulate his claims in light of the complexity of the legal issues. The discovery and extension requests were evaluated under the applicable scheduling deadlines and the procedural requirements for those requests.
PRECEDENTIAL VALUE	unknown

TOPICS

- discovery dispute
- summary judgment
- prisoners rights
- section 1983
- civil procedure

PRACTICE AREAS

civil rights litigation

prisoner civil rights

federal civil procedure

QUESTIONS PRESENTED

1. Whether plaintiff established exceptional circumstances warranting the court's request for voluntary assistance of counsel.
2. Whether plaintiff's filing was a proper and timely motion to compel discovery or otherwise justified reopening discovery.
3. Whether plaintiff was entitled to another extension of time to oppose defendants' motion for summary judgment after prior extensions had expired.

HOLDINGS

1. A pro se prisoner's limited English proficiency, lack of legal education, and lack of legal assistance did not establish exceptional circumstances warranting a request for voluntary counsel where the plaintiff could articulate his claims and the case was not factually or legally complex.
2. Plaintiff was not entitled to discovery relief because his filing was not a proper motion to compel and was untimely after the close of discovery; reopening discovery was likewise denied.
3. Plaintiff was not entitled to another extension of time to oppose defendants' summary-judgment motion because he sought the extension after the deadline had expired and had already received multiple extensions.

KEY QUOTATIONS

"Circumstances common to most prisoners, such as lack of legal education and limited law library access, do not establish exceptional circumstances that would warrant a request for voluntary assistance of counsel."

(Opinion at 1)

"This request is defective for two reasons. First, it is not a motion to compel in the sense that discovery requests were served, responses served, and Plaintiff is objecting to the sufficiency of responses." (Opinion at 2)

"Having already been provided numerous extensions of time since Defendants' motion was filed in January 2025, the Court declines to provide further extensions particularly where, as here, the request is made after expiration of the applicable deadline." (Opinion at 3)

FACTUAL BACKGROUND

Samuel Latu, a prisoner proceeding without counsel, brought a § 1983 action alleging that defendants violated his constitutional rights by failing to provide adequate protection. He sought appointed counsel based on his limited English proficiency, lack of legal training, and absence of legal assistance. He also sought discovery directly from the court and another extension of time to oppose defendants' pending summary-judgment motion, despite discovery having closed in 2024 and prior extensions having been granted.

PROCEDURAL HISTORY

Plaintiff filed a § 1983 action alleging that defendants failed to provide adequate protection. After discovery closed in 2024, defendants filed a motion for summary judgment on January 9, 2025. The court previously granted plaintiff two extensions of time to oppose that motion, but plaintiff filed the present motion after the applicable deadline had expired. The court denied the motion and stated that defendants' summary-judgment motion would be addressed separately through findings and recommendations.

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)
- *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986)
- *Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir. 1983)