

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Alberto Scalant v. S. Fratianni

Scalant · No. 23-cv-06304-RFL · Decided December 16, 2025

SUMMARY

The United States District Court for the Northern District of California denied without prejudice Alberto Scalant’s motion to appoint counsel in his 42 U.S.C. § 1983 action concerning allegedly inadequate medical care at a county jail. The court concluded that exceptional circumstances did not warrant appointment of counsel at that stage and directed the defendant to file a dispositive motion or indicate that none would be filed by January 20, 2026.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Rita F. Lin
JURISDICTION	United States District Court for the Northern District of California
DECIDED	December 16, 2025
DOCKET	23-cv-06304-RFL
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, a detainee proceeding pro se in a 42 U.S.C. § 1983 civil-rights action, moved for appointment of counsel.
STANDARD OF REVIEW	Appointment of counsel for an indigent civil litigant requires exceptional circumstances, evaluated by 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PRECEDENTIAL VALUE	Nonprecedential district court order; precedential status not stated in the opinion.
PARTIES	Alberto Scalant v. S. Fratianni

TOPICS

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

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Plaintiff demonstrated exceptional circumstances warranting appointment of counsel in his civil-rights action.

HOLDINGS

1. A district court may request counsel for an indigent civil litigant only when exceptional circumstances exist, considering 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. Plaintiff's confinement, asserted difficulty prosecuting the action, and asserted complexity did not establish exceptional circumstances at this stage.

KEY QUOTATIONS

“The Ninth Circuit has held that a district court may ask counsel to represent an indigent litigant only in “exceptional circumstances,” the determination of which requires an evaluation of both (1) the likelihood of success on the merits and (2) the ability of the plaintiff to articulate his claims pro se in light of the complexity of the legal issues involved.”

“These circumstances are not sufficiently “exceptional” to warrant appointment of counsel at this time.”

FACTUAL BACKGROUND

Alberto Scalant, a detainee proceeding pro se, filed a civil-rights complaint under 42 U.S.C. § 1983 concerning allegedly inadequate medical care at the county jail. He argued that the case was complex and that confinement would make it difficult for him to prosecute the action. The court found that the case did not present complex legal issues, that Plaintiff had ably prosecuted this and other actions, and that it was too early to assess the likelihood of success.

PROCEDURAL HISTORY

The Court ordered service on Plaintiff's claim that Defendant violated his right to adequate medical care at the county jail. Plaintiff then moved for appointment of counsel. The district court denied the motion without prejudice and directed Defendant to file a dispositive motion or indicate that none would be filed by January 20, 2026.

DISPOSITION

other

CASES CITED

- *Lassiter v. Department of Social Services*, 452 U.S. 18, 25 (1981)
- *Mallard v. United States District Court*, 490 U.S. 296, 310 (1989)
- *Terrell v. Brewer*, 935 F.2d 1015, 1017 (9th Cir. 1991)

