

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

McCright v. E. Weaver, et al.

McCright · No. 24-cv-08695-RFL (PR) · Decided August 6, 2025

SUMMARY

The United States District Court for the Northern District of California denied Colvin McCright’s motion for a temporary restraining order seeking single-cell status and an order preventing disciplinary reports. The court also denied McCright’s motion for appointment of counsel, finding no exceptional circumstances and no unusually complex legal issues.

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	August 6, 2025
DOCKET	24-cv-08695-RFL (PR)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, proceeding pro se, moved for a temporary restraining order and for appointment of counsel in a prisoner civil-rights action.
STANDARD OF REVIEW	A movant seeking preliminary injunctive relief must satisfy the Winter factors or the Ninth Circuit's sliding-scale variant, and must demonstrate likely irreparable harm. Appointment of counsel for an indigent litigant under 28 U.S.C. § 1915 is committed to the trial court's sound discretion and is available only in exceptional circumstances.
PRECEDENTIAL VALUE	Unknown
PARTIES	Colvin McCright v. E. Weaver, et al.

TOPICS

- injunctions
- prisoners rights
- ada / disability
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether McCright was entitled to a temporary restraining order requiring jail officials to grant him single-cell status.
2. Whether McCright was entitled to a temporary restraining order preventing the issuance of disciplinary reports or a possible future transfer.
3. Whether exceptional circumstances justified appointing counsel under 28 U.S.C. § 1915.

HOLDINGS

1. The motion was denied because McCright did not show a likelihood of success on the merits or establish likely irreparable harm on the undeveloped record.
2. The motion was denied without prejudice because the alleged transfer was speculative and McCright did not show how a transfer would harm him.
3. Appointment of counsel was denied because McCright failed to demonstrate exceptional circumstances; the action did not present complex legal issues, and he had ably prosecuted it without assistance.

KEY QUOTATIONS

“Thus, irrespective of the robustness of the showing on the merits required, under either standard a plaintiff must demonstrate he or she is likely to suffer irreparable injury in the absence of preliminary relief.”

“The decision to request counsel to represent an indigent litigant under 28 U.S.C. § 1915 is within “the sound discretion of the trial court and is granted only in exceptional circumstances.””

FACTUAL BACKGROUND

McCright alleged that being housed with a cellmate prevented him from sleeping and violated his rights under the Americans with Disabilities Act because he was denied single-cell status. He also alleged that disciplinary reports might increase his classification score, create an impression that he was a program failure, or lead to transfer to a higher-level institution. The record was undeveloped, the possibility of transfer was speculative, and McCright had been able to prosecute the action without counsel.

PROCEDURAL HISTORY

McCright sought emergency relief requiring jail officials to grant him single-cell status and stop issuing disciplinary reports. He also requested appointment of Michael Bien or another attorney under 28 U.S.C. § 1915. The district court denied both motions, denying the request concerning single-cell status without prejudice as premature and denying the request concerning disciplinary reports without prejudice as speculative.

DISPOSITION

other

CASES CITED

- Winter v. Natural Resources Defense Council, 555 U.S. 7, 20 (2008)
- Alliance for the Wild Rockies v. Peña, 865 F.3d 1211, 1217 (9th Cir. 2017)
- DISH Network Corp. v. F.C.C., 653 F.3d 771, 776-77 (9th Cir. 2011)
- Franklin v. Murphy, 745 F.2d 1221, 1236 (9th Cir. 1984)
- Agyeman v. Corrections Corp. of America, 390 F.3d 1101, 1103 (9th Cir. 2004)
- Rand v. Rowland, 113 F.3d 1520, 1525 (9th Cir. 1997)

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