

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Rafael Salas v. C. Pfeiffer, et al.

Salas v. Pfeiffer · No. 1:21-cv-00669-KES-EPG (PC) · Decided November 25, 2025

SUMMARY

The United States District Court for the Eastern District of California denied without prejudice Rafael Salas’s motion for appointment of pro bono counsel in his 42 U.S.C. § 1983 action. The court found no constitutional right to appointed counsel and concluded that exceptional circumstances were not present because Salas had not shown a likelihood of success on the merits and appeared able to articulate his claims pro se.

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	November 25, 2025
DOCKET	1:21-cv-00669-KES-EPG (PC)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, a state prisoner proceeding pro se in a 42 U.S.C. § 1983 action, moved for appointment of pro bono counsel to assist with a jury trial. The district court denied the motion without prejudice.
STANDARD OF REVIEW	A district court evaluates requests for appointed counsel by 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.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Rafael Salas v. C. Pfeiffer, Thomas, Cortez

TOPICS

- civil procedure
- prisoners rights
- due process
- free exercise clause
- summary judgment

PRACTICE AREAS

- civil procedure
- prisoner civil rights

QUESTIONS PRESENTED

1. Whether the court should appoint or request pro bono counsel for a pro se prisoner litigating § 1983 claims.
2. Whether exceptional circumstances existed based on Plaintiff's likelihood of success on the merits and ability to articulate his claims pro se.

HOLDINGS

1. A plaintiff does not have a constitutional right to appointed counsel in this § 1983 action.
2. The court cannot require an attorney to represent Plaintiff pursuant to 28 U.S.C. § 1915(e)(1), although it may request voluntary assistance in exceptional circumstances.
3. Exceptional circumstances were not established because Plaintiff was not shown to be likely to succeed on the merits and appeared able to articulate his claims pro se despite the complexity of the legal issues.

KEY QUOTATIONS

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

FACTUAL BACKGROUND

Rafael Salas is a state prisoner proceeding without counsel in a civil rights action under 42 U.S.C. § 1983. His remaining claims are Fourteenth Amendment due process claims and First Amendment free exercise claims against Thomas, Cortez, and Pfeiffer. Salas sought pro bono counsel because he believed he lacked the legal training and resources to conduct a jury trial, but the court found that he had recently been able to partially survive summary judgment and could adequately present his claims pro se.

PROCEDURAL HISTORY

The action proceeds on Plaintiff's Fourteenth Amendment due process claims and First Amendment free exercise claims against Defendants Thomas, Cortez, and Pfeiffer. Plaintiff moved for appointment of counsel, asserting that he lacked the legal training and resources to conduct a jury trial. The court denied the motion without prejudice, finding no sufficient likelihood of success on the merits and concluding that Plaintiff could adequately articulate his claims pro se.

DISPOSITION

other

CASES CITED

- Rand v. Rowland, 113 F.3d 1520, 1525 (9th Cir. 1997)
- Rand v. Rowland, 154 F.3d 952 (9th Cir. 1998)
- Mallard v. United States District Court for the Southern District of Iowa, 490 U.S. 296, 298 (1989)

