

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Brandon Miguel Escamilla v. A. Oboyle, et al.

No. 2:22-cv-2038 KJM AC P, United States District Court for the Eastern District of California (March 16, 2023)

SUMMARY

The United States District Court for the Eastern District of California denied Brandon Miguel Escamilla’s renewed request for appointment of counsel in his prisoner civil rights action. The court held that his mental health condition, administrative segregation, and potential loss of inmate assistance did not establish the exceptional circumstances required for voluntary appointment of counsel under 28 U.S.C. § 1915(e)(1).

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Allison Claire
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	March 16, 2023
DOCKET	2:22-cv-2038 KJM AC P
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed a renewed request for appointment of counsel in his prisoner civil-rights action.
STANDARD OF REVIEW	Appointment of counsel for an indigent prisoner in a 42 U.S.C. § 1983 action is discretionary and requires a showing of exceptional circumstances, evaluated 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PRECEDENTIAL VALUE	unpublished and nonprecedential district court order
PARTIES	Brandon Miguel Escamilla v. A. Oboyle, et al.

TOPICS

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

PRACTICE AREAS

civil rights

prisoner civil rights

civil procedure

QUESTIONS PRESENTED

1. Whether plaintiff demonstrated exceptional circumstances warranting the court's request for voluntary appointment of counsel under 28 U.S.C. § 1915(e)(1).
2. Whether plaintiff's mental-health condition, administrative-segregation housing, difficulties investigating the case, and loss of assistance from another inmate established an inability to litigate pro se.

HOLDINGS

1. A district court may request voluntary assistance of counsel under 28 U.S.C. § 1915(e)(1) only when exceptional circumstances are shown; plaintiff did not demonstrate such circumstances.
2. Worsening mental health supported by records, administrative segregation, difficulty obtaining evidence, and anticipated loss of inmate assistance did not establish exceptional circumstances because plaintiff remained able to articulate his claims and had no pending deadlines.

KEY QUOTATIONS

“When determining whether ‘exceptional circumstances’ exist, a court must consider ‘the likelihood of success on the merits as well as the ability of the [plaintiff] to articulate his claims pro se in light of the complexity of the legal issues involved.’” (at 1)

“For all these reasons, plaintiff has not shown the existence of extraordinary circumstances warranting the appointment of counsel.” (at 2)

FACTUAL BACKGROUND

Plaintiff asserted that worsening mental health, administrative segregation, difficulty obtaining evidence and investigating his claims, and the anticipated transfer of an inmate who had been assisting him made appointment of counsel necessary. He submitted medical records confirming a mental-health diagnosis and related difficulties, but the court found that the records did not show he was unable to pursue the case without assistance. The court also noted that plaintiff had articulated his claims adequately, could potentially obtain assistance elsewhere, and had no current deadlines because the case was stayed.

PROCEDURAL HISTORY

The district court had previously denied plaintiff's request for counsel and directed him to provide medical documentation if he relied on mental-health conditions. Plaintiff filed another request supported by medical records and additional grounds. The case had been referred to the Post-Screening ADR Project and stayed, with no pending deadlines, and the court denied the renewed request.

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)
- Palmer v. Valdez, 560 F.3d 965, 970 (9th Cir. 2009)
- Weygandt v. Look, 718 F.2d 952, 954 (9th Cir. 1983)

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