

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Ransom v. Spinelli

No. 2:25-cv-0531 AC P, United States District Court for the Eastern District of California (April 2, 2025)

SUMMARY

The United States District Court for the Eastern District of California denied without prejudice a state prisoner’s motion for appointment of counsel in a § 1983 action. The court held that the plaintiff had not demonstrated exceptional circumstances, noting that indigence, limited legal knowledge, reading difficulties, and the need for discovery were common circumstances and that the case was temporarily stayed for early alternative dispute resolution.

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	April 2, 2025
DOCKET	2:25-cv-0531 AC P
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, a state prisoner proceeding pro se in a 42 U.S.C. § 1983 action, moved for appointment of counsel.
STANDARD OF REVIEW	Abuse of discretion.
PRECEDENTIAL VALUE	unpublished

TOPICS

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

PRACTICE AREAS

- civil rights
- prisoner litigation
- civil procedure

QUESTIONS PRESENTED

- Whether the plaintiff demonstrated exceptional circumstances warranting the court's request that an attorney voluntarily represent him in his § 1983 action.

HOLDINGS

1. A district court may request voluntary representation for an indigent prisoner in a § 1983 action only when exceptional circumstances exist, assessed by considering the plaintiff's likelihood of success on the merits and ability to articulate his claims pro se in light of the complexity of the legal issues. Plaintiff's indigence, limited legal knowledge, limited reading comprehension, asserted complexity, and need for discovery did not establish exceptional circumstances.

KEY QUOTATIONS

“When determining whether “exceptional circumstances” exist, the court must consider plaintiff’s 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.” (1)

“Accordingly, IT IS HEREBY ORDERED that plaintiffs motion for the appointment of counsel (ECF No. 22) is DENIED without prejudice.” (2)

FACTUAL BACKGROUND

Robert L. Ransom is a state prisoner proceeding pro se in a § 1983 action against K. Spinelli and other defendants. He sought appointment of counsel based on indigence, lack of legal knowledge, limited reading comprehension, the asserted complexity of the issues, and the need for assistance with discovery. The case had been referred to early ADR and temporarily stayed.

PROCEDURAL HISTORY

The action was pending in the Eastern District of California and had been referred to early alternative dispute resolution and temporarily stayed. Plaintiff moved for appointment of counsel; the court denied the motion without prejudice.

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)

OPINION

(PC) Ransom v. Spinelli

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

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11 ROBERT L. RANSOM, No. 2:25-cv-0531 AC P

12 Plaintiff, 13 v. ORDER 14 K. SPINELLI, et al., 15 Defendants. 16 17 Plaintiff, a state prisoner
proceeding pro se, has filed a motion requesting that the court 18 appoint counsel. ECF No. 22.
District courts lack authority to require counsel to represent 19 indigent prisoners in section 1983
cases. *Mallard v. United States Dist. Court*, 490 U.S. 296, 298 20 (1989). In exceptional
circumstances, the court may request an attorney to voluntarily represent 21 such a plaintiff. See
28 U.S.C. § 1915(e)(1); *Terrell v. Brewer*, 935 F.2d 1015, 1017 (9th Cir. 22 1991); *Wood v.*
Housewright, 900 F.2d 1332, 1335-36 (9th Cir. 1990). When determining 23 whether “exceptional
circumstances” exist, the court must consider plaintiff’s likelihood of 24 success on the merits as
well as the ability of the plaintiff to articulate his claims pro se in light of 25 the complexity of the
legal issues involved. *Palmer v. Valdez*, 560 F.3d 965, 970 (9th Cir. 2009) 26 (district court did not
abuse discretion in declining to appoint counsel). The burden of 27 demonstrating exceptional
circumstances is on the plaintiff. *Id.* Circumstances common to most 28 /// 1 | prisoners, such as
lack of legal education and limited law library access, do not establish 2 || exceptional
circumstances that warrant a request for voluntary assistance of counsel. 3 Plaintiff requests the
appointment of counsel based on his indigence, lack of legal 4 || knowledge, and limited reading
comprehension. ECF No. 22 at 2. He also asserts that the issues 5 || are complex and he requires
assistance in conducting discovery. *Id.* The issues identified by 6 || plaintiff are common to most
prisoners. Moreover, this case has been referred to early ADR and 7 || temporarily stayed. ECF No.
23. As a result, there is currently nothing for plaintiff to do, and in 8 | the event this case is set for a
settlement conference, there is no indication that plaintiff would be 9 || unable to proceed at the
settlement conference without representation. Having considered the 10 || factors under *Palmer*, the
court finds that plaintiff has failed to meet his burden of demonstrating 11 || exceptional
circumstances warranting the appointment of counsel at this time. 12 Accordingly, IT IS HEREBY
ORDERED that plaintiff’s motion for the appointment of 13 || counsel (ECF No. 22) is DENIED
without prejudice. 14 | DATED: April 1, 2025 15 ~ 16 ththienr—Chnp—e_

ALLISON CLAIRE

17 UNITED STATES MAGISTRATE JUDGE

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