

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF  
CALIFORNIA

Ronald Dean Yandell v. G. Newsome, et al.

Yandell v. Newsome · No. No. 2:25-CV-1049-DJC-DMC-P · Decided August 22, 2025

SUMMARY

The United States District Court for the Eastern District of California denied a pro se prisoner’s motion for appointment of counsel in a 42 U.S.C. § 1983 action. The court found no exceptional circumstances because the plaintiff was able to articulate his claims, the excessive-force allegations were not legally or factually complex, and the case was at an early stage without a demonstrated likelihood of success.

CASE DETAILS

|                       |                                                                                                                                                                       |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Eastern District of California                                                                                                   |
| WRITING FOR THE COURT | Dennis M. Cota                                                                                                                                                        |
| JURISDICTION          | United States District Court for the Eastern District of California                                                                                                   |
| DECIDED               | August 22, 2025                                                                                                                                                       |
| DOCKET                | No. 2:25-CV-1049-DJC-DMC-P                                                                                                                                            |
| DISPOSITION           | other                                                                                                                                                                 |
| PROCEDURAL POSTURE    | Plaintiff, a prisoner proceeding pro se in a 42 U.S.C. § 1983 action alleging excessive force, moved for appointment of counsel under 28 U.S.C. § 1915(e)(1).         |
| STANDARD OF REVIEW    | The opinion discusses the district court's discretion under the exceptional-circumstances standard but does not separately state a standard of review for the motion. |
| PRECEDENTIAL VALUE    | Nonprecedential district court order                                                                                                                                  |
| PARTIES               | Ronald Dean Yandell v. G. Newsome, et al.                                                                                                                             |

TOPICS

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

PRACTICE AREAS

## QUESTIONS PRESENTED

1. Whether an indigent prisoner proceeding pro se demonstrated exceptional circumstances warranting the court's request for voluntary assistance of counsel under 28 U.S.C. § 1915(e)(1).

## HOLDINGS

1. Appointment of counsel was not warranted because plaintiff failed to demonstrate exceptional circumstances.

## KEY QUOTATIONS

*“A finding of “exceptional circumstances” requires an evaluation of both the likelihood of success on the merits and the ability of the plaintiff to articulate his claims on his own in light of the complexity of the legal issues involved.”* (at 1)

*“Plaintiff's indigency, however, is not an exceptional circumstance.”* (at 2)

## FACTUAL BACKGROUND

Plaintiff is an indigent prisoner proceeding without counsel in a § 1983 action involving allegations of excessive force. The court found that he had been able to articulate his claims, that the claims were not legally or factually complex, and that the case was at an early stage before the sufficiency of the complaint had been addressed. The court also found that plaintiff had not demonstrated a particular likelihood of success on the merits.

## PROCEDURAL HISTORY

Yandell initiated a prisoner civil-rights action under 42 U.S.C. § 1983. Before the Court addressed the sufficiency of the complaint, Yandell moved for appointment of counsel. The district court denied the motion.

## 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)

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