

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Forrest Kendrid v. Yahiya, et al.

Kendrid · No. No. 2:23-cv-1145 TLN CSK P · Decided October 8, 2025

SUMMARY

The United States District Court for the Eastern District of California denied Forrest Kendrid’s motion for appointment of counsel in his civil rights action against Yahiya and others. The court found no exceptional circumstances warranting appointed counsel and granted plaintiff’s motion for an extension of time to oppose defendants’ summary judgment motion, setting the deadline for November 10, 2025.

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	October 8, 2025
DOCKET	No. 2:23-cv-1145 TLN CSK P
DISPOSITION	other
PROCEDURAL POSTURE	In a pending civil rights action brought by a formerly detained, indigent, self-represented plaintiff, the court resolved plaintiff's motion for appointment of counsel and motion for an extension of time to oppose defendants' summary judgment motion.
STANDARD OF REVIEW	Discretionary determination whether exceptional circumstances warrant appointment of counsel under 28 U.S.C. § 1915(e)(1); good-cause determination for an extension of time.
PRECEDENTIAL VALUE	Unknown; unpublished district court order

TOPICS

- summary judgment
- civil rights
- prisoners rights
- civil procedure

PRACTICE AREAS

- civil procedure
- civil rights
- prisoner civil rights

QUESTIONS PRESENTED

1. Whether exceptional circumstances existed warranting appointment of counsel for an indigent civil litigant under 28 U.S.C. § 1915(e)(1).
2. Whether plaintiff established good cause for an extension of time to oppose defendants' motion for summary judgment.

HOLDINGS

1. Appointment of counsel was not warranted because plaintiff did not establish exceptional circumstances. The court could not determine that plaintiff was likely to succeed on the merits, and the issues were not sufficiently complex to overcome his demonstrated ability to articulate his claims and participate in the litigation.
2. Plaintiff was granted an extension of time, based on good cause, to file his opposition to defendants' summary judgment motion by November 10, 2025.

KEY QUOTATIONS

“It is “well-established that there is generally no constitutional right to counsel in civil cases.”” (at 1)

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

FACTUAL BACKGROUND

Plaintiff is a former detainee proceeding without counsel and in forma pauperis in a civil rights action concerning alleged inadequate mental-health treatment and retaliation. He was released from the California Medical Facility on or around June 19, 2024. Plaintiff sought counsel based on his lack of access to a law library and legal assistance and his physical condition and disabilities, and sought additional time to oppose defendants' summary judgment motion.

PROCEDURAL HISTORY

Defendants filed a motion for summary judgment on September 17, 2025. Plaintiff then moved for appointment of counsel and for additional time to respond, citing his physical condition, disabilities, lack of access to legal resources, and inability to use a law library. The court denied appointment of counsel but granted an extension until November 10, 2025, to oppose the summary judgment motion.

DISPOSITION

other

CASES CITED

- United States v. Sardone, 94 F.3d 1233, 1236 (9th Cir. 1996)
- Palmer v. Valdez, 560 F.3d 965, 970 (9th Cir. 2009)

OPINION

Yahiya

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

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11 FORREST KENDRID, No. 2:23-cv-1145 TLN CSK P

12 Plaintiff, 13 v. ORDER 14 YAHIYA, et al., 15 Defendants. 16

17 I. INTRODUCTION

18 Plaintiff is a former detainee proceeding without counsel and in forma pauperis with this 19 civil rights action. On or around June 19, 2024, plaintiff was released from the California 20 Medical Facility. (ECF No. 39 at 1-2.) Pending before the Court is plaintiff's motion for an 21 extension of time to file an opposition to defendants' summary judgment motion and motion for 22 appointment of counsel. (ECF No. 48.) For the following reasons, plaintiff's motion for 23 extension of time is granted and plaintiff's motion for appointment of counsel is denied.

24 II. DISCUSSION

25 Defendants filed a motion for summary judgment on September 17, 2025. (ECF No. 45.) 26 In the pending motions, plaintiff requests an extension of time to respond to defendants' summary 27 judgment motion based on plaintiff's physical condition and disabilities. (ECF No. 48 at 1.) 28 Plaintiff requests appointment of counsel because he does not have access to a law library, legal 1 aid or other resources. (Id.) This Court first addresses plaintiff's motion for appointment of 2 counsel. 3 A. Motion for Appointment of Counsel 4 It is "well-established that there is generally no constitutional right to counsel in civil 5 cases." *United States v. Sardone*, 94 F.3d 1233, 1236 (9th Cir. 1996). Under "exceptional 6 circumstances," a court may appoint counsel for indigent civil litigants pursuant to 28 U.S.C. 7 § 1915(e)(1). When determining whether "exceptional circumstances" exist, a court considers 8 both "the likelihood of success on the merits as well as the ability of the petitioner to articulate 9 [the] claims pro se in light of the complexity of the legal issues involved." *Palmer v. Valdez*, 560 10 F.3d 965, 970 (9th Cir. 2009). 11 While plaintiff claims that he does not have access to a law library or other legal 12 assistance, the issues raised in plaintiff's complaint are not particularly complex. To the extent 13 plaintiff requests counsel based on his physical condition and disabilities, this Court observes that 14 plaintiff was able to file this action despite plaintiff's medical problems and disabilities, which 15 appear to have existed at the time plaintiff filed the complaint. Plaintiff was also able to file 16 various documents throughout this litigation. In addition, this Court reviewed the motion for 17 summary judgment filed by defendants Tucci and Yahya, which addresses plaintiff's claims that 18 defendants provided inadequate mental health treatment and retaliated against plaintiff. (ECF No. 19 45.) After reviewing defendants' summary judgment motion, this Court cannot determine 20 whether

plaintiff is likely to succeed on the merits of his claims. For these reasons, and because 21 the Court has extremely limited resources to appoint attorneys in civil cases, plaintiff's motion for 22 appointment of counsel is denied. 23 B. Request for Extension of Time 24 Good cause appearing, plaintiff is granted an extension to Monday, November 10, 2025 to 25 file his opposition to defendants' summary judgment motion. 26 Accordingly, IT IS HEREBY ORDERED that: 27 1. Plaintiff's motion for appointment of counsel (ECF No. 48) is denied; 28 2. Plaintiff's motion for an extension of time (ECF No. 48) is granted; and 1 3. Plaintiff's opposition to defendants' summary judgment motion is due on or before 2 || Monday, November 10, 2025. 3 4 || Dated: October 7, 2025 Cin □□□

CHI SOO KIM

6 UNITED STATES MAGISTRATE JUDGE

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