

**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

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 FORREST KENDRID, No. 2:23-cv-1145 TLN CSK P 12 Plaintiff, 13 v.
ORDER 14 YAHIIYA, 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 7 8 9 10 | Kend1145.eot(p)/2 1] 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28