

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Raghvendra Singh v. CDCR, et al.

Singh v. CDCR · No. 2:24-cv-3294 SCR P · Decided May 15, 2025

SUMMARY

The United States District Court for the Eastern District of California denies without prejudice Raghvendra Singh’s motion for appointment of counsel in his pro se 42 U.S.C. § 1983 action against CDCR and others. The court concludes that Singh has not demonstrated exceptional circumstances warranting 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	Sean C. Riordan
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	May 15, 2025
DOCKET	2:24-cv-3294 SCR P
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, a former state prisoner proceeding pro se under 42 U.S.C. § 1983, moved for appointment of counsel.
STANDARD OF REVIEW	The court evaluated whether plaintiff demonstrated exceptional circumstances warranting a request for voluntary appointment of counsel by considering the likelihood of success on the merits and the ability to articulate claims pro se in light of the complexity of the legal issues.
PRECEDENTIAL VALUE	Unknown; district court order
PARTIES	Raghvendra Singh v. CDCR, et al.

TOPICS

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

PRACTICE AREAS

- prisoner civil rights
- civil procedure
- appointment of counsel

QUESTIONS PRESENTED

1. Whether the court should appoint counsel for a former state prisoner proceeding pro se in a § 1983 action.
2. Whether plaintiff demonstrated exceptional circumstances based on the likelihood of success on the merits and his ability to articulate his claims pro se in light of the complexity of the legal issues.

HOLDINGS

1. A district court lacks authority under 28 U.S.C. § 1915 to require counsel to represent an indigent prisoner in a § 1983 case, although it may request voluntary representation in exceptional circumstances.
2. Plaintiff failed to meet his burden of demonstrating exceptional circumstances warranting appointment of counsel at that time.

KEY QUOTATIONS

“The test for exceptional circumstances requires the court to evaluate the plaintiff’s likelihood of success on the merits and the ability of the plaintiff to articulate his claims pro se in light of the complexity of the legal issues involved.” (at 1)

“Accordingly, IT IS HEREBY ORDERED that plaintiff’s motion for the appointment of counsel (ECF No. 5) is denied without prejudice.” (at 2)

FACTUAL BACKGROUND

Raghvendra Singh is a former state prisoner proceeding pro se in an action under 42 U.S.C. § 1983. He requested that the court appoint counsel. The court found that he had not demonstrated exceptional circumstances warranting appointment of counsel at that time.

PROCEDURAL HISTORY

The action was pending in the Eastern District of California when plaintiff moved for appointment of counsel. The court evaluated the motion under the exceptional-circumstances standard and denied it 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)
- *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986)
- *Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir. 1983)
- *Riley v. Franke*, 340 F. Supp. 3d 783, 787 (E.D. Wis. 2018)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 RAGHVENDRA SINGH, No. 2:24-cv-3294 SCR P 12 Plaintiff, 13 v.
ORDER 14 CDCR, et al., 15 Defendants. 16 17 Plaintiff is a former state prisoner proceeding pro
se in an action brought under 42 U.S.C. 18 § 1983. Plaintiff requests that the court appoint
counsel. 19 District courts lack authority under 28 U.S.C. § 1915 to require counsel to represent 20
indigent prisoners in section 1983 cases.

Mallard v. United States Dist. Court, 490 U.S. 296, 298 21 (1989). In exceptional circumstances,
the court may request that an attorney voluntarily represent 22 such a plaintiff. See 28 U.S.C. §
1915(e)(1); Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 23 1991); Wood v. Housewright, 900
F.2d 1332, 1335-36 (9th Cir. 1990).

The test for exceptional 24 circumstances requires the court to evaluate the plaintiff's likelihood of
success on the merits and 25 the ability of the plaintiff to articulate his claims pro se in light of the
complexity of the legal 26 issues involved. See Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th
Cir. 1986); Weygandt v. 27 Look, 718 F.2d 952, 954 (9th Cir.

1983). Circumstances common to most prisoners, such as lack 28 of legal education and limited
law library access, do not establish exceptional circumstances that 1 | would warrant a request for
voluntary assistance of counsel. Wood, 900 F.2d at 1335; Riley v. 2 | Franke, 340 F. Supp. 3d 783,
787 (E.D. Wis. 2018). 3 Having considered the relevant factors, the court finds that plaintiff has
failed to meet his 4 || burden of demonstrating exceptional circumstances warranting the
appointment of counsel at this 5 || time.

6 Accordingly, IT IS HEREBY ORDERED that plaintiff's motion for the appointment of 7 ||
counsel (ECF No. 5) is denied without prejudice. 8 | DATED: May 14, 2025 po 10 ll SEAN C.
RIORDAN UNITED STATES MAGISTRATE JUDGE 12 13 14 15 16 17 18 19 20 21 22 23 24
25 26 27 28