

**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).

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

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