

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Harry Chase, III v. Coalinga State Hospital, et al.

Case No. 1:25-cv-00349-SKO · No. 1:25-cv-00349-SKO · Decided November 20, 2025

SUMMARY

The United States District Court for the Eastern District of California denied Harry Chase III’s motion to appoint counsel in his 42 U.S.C. § 1983 action. The court held that the plaintiff had not shown exceptional circumstances because the merits had not yet been evaluated and his Eighth Amendment deliberate-indifference claims were not legally complex.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Sheila K. Oberto
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	November 20, 2025
DOCKET	1:25-cv-00349-SKO
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, proceeding pro se and in forma pauperis in a § 1983 civil-rights action, moved for appointment of counsel before the complaint had been screened.
STANDARD OF REVIEW	The appointment of counsel in a § 1983 action is evaluated under the exceptional-circumstances standard, considering both the likelihood of success on the merits and the plaintiff's ability to articulate claims pro se in light of the complexity of the legal issues.
PRECEDENTIAL VALUE	nonprecedential trial-court order
PARTIES	Harry Chase, III v. Coalinga State Hospital, et al.

TOPICS

- civil rights
- section 1983
- prisoners rights
- civil procedure
- due process

PRACTICE AREAS

- civil rights
- prisoner civil rights
- federal civil procedure

QUESTIONS PRESENTED

1. Whether the court should request or appoint counsel for a pro se prisoner or civil detainee in a § 1983 action before screening the complaint.
2. Whether the plaintiff established exceptional circumstances based on the inability to determine the merits at the screening stage, the asserted complexity of an Eighth Amendment deliberate-indifference claim, incarceration, limited legal knowledge, or limited law-library access.

HOLDINGS

1. A plaintiff has no constitutional right to appointed counsel in a § 1983 action, and the court cannot compel an attorney to represent the plaintiff under 28 U.S.C. § 1915(e)(1); the court may only request voluntary assistance in exceptional circumstances.
2. Exceptional circumstances did not exist because the court could not yet determine plaintiff's likelihood of success before screening, and the asserted Eighth Amendment deliberate-indifference claims were not legally complex; incarceration, lack of legal knowledge, limited law-library access, and the general benefit of counsel were insufficient.

KEY QUOTATIONS

“Plaintiffs do not have a constitutional right to appointed counsel in section 1983 actions.” (at 1)

“In sum, the test is not whether Plaintiff would benefit from the appointment of counsel; the test is whether exceptional circumstances exist.” (at 3)

“Here, no exceptional circumstances exist warranting the appointment of counsel.” (at 3)

FACTUAL BACKGROUND

Harry Chase, III brought a pro se, in forma pauperis civil-rights action under 42 U.S.C. § 1983 against Coalinga State Hospital and other defendants. His complaint asserted an Eighth Amendment deliberate-indifference claim, but the complaint had not yet been screened when he sought appointed counsel.

PROCEDURAL HISTORY

Plaintiff filed his complaint on March 24, 2025, and the court issued its First Informational Order on May 22, 2025. Plaintiff moved for appointment of counsel on November 14, 2025. The court denied the motion because exceptional circumstances were not shown.

DISPOSITION

other

CASES CITED

- Rand v. Rowland, 113 F.3d 1520, 1525 (9th Cir. 1997)
- Rand v. Rowland, 154 F.3d 952, 954 n.1 (9th Cir. 1998)

- *Mallard v. U.S. Dist. Court*, 490 U.S. 296, 304-05 (1989)
- *Porter v. Rivas*, No. 1:23-cv-00105-ADA-CDB (PC), 2023 WL 4765492, at *1 (E.D. Cal. July 26, 2023)
- *Maldonado v. Merritt*, No. 1:23-cv-00482-JLT-SKO PC, 2023 WL 6751114, at *3 (E.D. Cal. Oct. 12, 2023)
- *Escamilla v. Oboyle*, No. 2:22-cv-2038 KJM AC P, 2023 WL 2918028, at *1 (E.D. Cal. Apr. 12, 2023)
- *Faultry v. Saechao*, No. 2:18-cv-1850 KJM AC P, 2020 WL 2561596, at *2 (E.D. Cal. May 20, 2020)
- *Callender v. Ramm*, No. 2:16-cv-0694 JAM AC P, 2018 WL 6448536, at *3 (E.D. Cal. Dec. 10, 2018)
- *Galvan v. Fox*, No. 2:15-CV-01798-KJM (DB), 2017 WL 1353754, at *8 (E.D. Cal. Apr. 12, 2017)
- *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986)
- *Haines v. Kerner*, 404 U.S. 519, 520 (1972) (per curiam)
- *Karim–Panahi v. Los Angeles Police Dep’t*, 839 F.2d 621, 623 (9th Cir. 1988)
- *Palmer v. Valdez*, 560 F.3d 965, 970 (9th Cir. 2009)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 HARRY CHASE, III, Case No.: 1:25-cv-00349-SKO 12 Plaintiff, ORDER
DENYING PLAINTIFF’S MOTION TO APPOINT COUNSEL 13 v. (Doc. 7) 14 COALINGA
STATE HOSPITAL, et al., 15 Defendants. 16 17 Plaintiff Harry Chase, III is appearing pro se and
in forma pauperis in this civil rights action 18 pursuant to 42 U.S.C. section 1983.

19 I. INTRODUCTION 20 Plaintiff filed his original complaint on March 24, 2025. (Doc. 1.) The
Court issued its First 21 Informational Order in Prisoner/Civil Detainee Civil Rights Case on May
22, 2025. (Doc. 2.) On 22 November 14, 2025, Plaintiff filed motion to appoint counsel. (Doc. 7.)

23 II. DISCUSSION 24 Legal Standards Concerning the Appointment of Counsel 25 Plaintiffs do
not have a constitutional right to appointed counsel in section 1983 actions.

26 *Rand v. Rowland*, 113 F.3d 1520, 1525 (9th Cir. 1997), rev’d in part on other grounds, 154 F.3d
27 952, 954 n.1 (9th Cir. 1998). Nor can the Court require an attorney to represent a party under
28 U.S.C. § 1915(e)(1). See *Mallard v. U.S. Dist. Court*, 490 U.S. 296, 304-05 (1989).

However, in 1 “exceptional circumstances,” the Court may request the voluntary assistance of
counsel pursuant 2 to section 1915(e)(1). *Rand*, 113 F.3d at 1525. 3 Given that the Court has no
reasonable method of securing and compensating counsel, the 4 Court will seek volunteer counsel
only in extraordinary cases.

In determining whether “exceptional 5 circumstances exist, a district court must evaluate both the
likelihood of success on the merits [and] 6 the ability of the [plaintiff] to articulate his claims pro
se in light of the complexity of the legal 7 issues involved.” *Rand*, 113 F.3d at 1525 (internal
quotation marks & citations omitted). 8 Analysis 9 First, the Court must evaluate the likelihood of
Plaintiff’s success on the merits of his 10 claims.

Rand, 113 F.3d at 1525. Here, Plaintiff's complaint has not yet been screened, the stage at 11 which the Court determines whether a plaintiff has sufficiently and plausibly alleged a cause of 12 action or claim entitling the plaintiff to relief.

The merits of the allegations are not tested at 13 screening because the Court is required to consider factual allegations to be true for purposes of 14 screening. At this stage of the proceedings, a likelihood of success on the merits cannot be 15 determined. See, e.g., Porter v. Rivas, No. 1:23-cv-00105- ADA-CDB (PC), 2023 WL 4765492, at 16 *1 (E.D. Cal. July 26, 2023) ("A likelihood of success on the merits determination is not the same 17 as that required at screening; at screening, the Court is tasked with determining whether a plaintiff 18 has sufficiently and plausibly alleged a cause of action or claim entitling the plaintiff to relief.

The 19 merits of the allegations are not tested, for the Court is to consider factual allegations to be true for 20 purposes of screening"). 21 Next, the Court must also evaluate Plaintiff's ability to articulate his claims pro se 22 considering the complexity of the legal issues involved. Rand, 113 F.3d at 1525. A brief review of 23 Plaintiff's complaint reveals he asserts Eighth Amendment deliberate indifference claim against 24 the named defendants.

(See Doc. 1 at 4.) Such claims are not complex. See Maldonado v. Merritt, 25 No. 1:23-cv-00482-JLT-SKO PC, 2023 WL 6751114, at *3 (E.D. Cal. Oct. 12, 2023) ("Eighth 26 Amendment deliberate indifference to serious medical needs claims are not complex"). 27 Plaintiff is advised that incarceration is not an exceptional circumstance warranting the 1 at *1 (E.D.

Cal. Jan. 25, 2024) ("the Court has 'repeatedly' held incarceration's challenges on 2 litigation do not constitute an exceptional circumstance. [] If Plaintiff's incarceration was an 3 exceptional circumstance, any prisoner would be entitled to counsel"). Nor are a lack of legal 4 knowledge and limited law library access exceptional circumstances; rather, they are circumstances 5 common to nearly all pro se prisoner litigants.

See, e.g., Escamilla v. Oboyle, No. 2:22-cv-2038 6 KJM AC P, 2023 WL 2918028, at *1 (E.D. Cal. Apr. 12, 2023) ("Circumstances common to most 7 prisoners, such as a lack of legal education and limited law library access, do not establish 8 exceptional circumstances that would warrant a request for voluntary assistance of counsel"); 9 Faultry v. Saechao, No. 2:18-cv-1850 KJM AC P, 2020 WL 2561596, at *2 (E.D.

Cal., May 20, 10 2020) (same); Callender v. Ramm, No. 2:16-cv-0694 JAM AC P, 2018 WL 6448536, at *3 (E.D. 11 Cal. Dec. 10, 2018) ("The law is clear: neither plaintiff's indigence, nor his lack of education, nor 12 his lack of legal expertise warrant the appointment of counsel"); Galvan v. Fox, No. 2:15-CV- 13 01798-KJM (DB), 2017 WL 1353754, at *8 (E.D. Cal. Apr.

12, 2017) ("Circumstances common 14 to most prisoners, such as lack of legal education and limited law library access, do not establish 15 exceptional circumstances that warrant a request for

voluntary assistance of counsel”). 16 Moreover, the fact that an attorney would be better prepared to litigate and try this action, 17 does not amount to an exceptional circumstance warranting the appointment of counsel.

See *Rand*, 18 113 F.3d at 1525 (finding no abuse of discretion under 28 U.S.C. § 1915(e) when district court 19 denied appointment of counsel despite fact that pro se prisoner “may well have fared better- 20 particularly in the realm of discovery and the securing of expert testimony”). There is little doubt 21 most pro se litigants “find it difficult to articulate [their] claims,” and would be better served with 22 the assistance of counsel.

Wilborn, 789 F.2d at 1331. For this reason, in the absence of counsel, 23 federal courts employ procedures which are highly protective of a pro se litigant’s rights. See 24 *Haines v. Kerner*, 404 U.S. 519, 520 (1972) (holding pro se complaint to less stringent standard) 25 (per curiam).

In fact, where a plaintiff appears pro se in a civil rights case, the court must construe 26 the pleadings liberally and afford the plaintiff any benefit of the doubt. *Karim–Panahi v. Los 27 Angeles Police Dep’t*, 839 F.2d 621, 623 (9th Cir. 1988).

The rule of liberal construction is 1 1992). Thus, where a pro se litigant can “articulate his claims” in light of the relative complexity 2 of the matter, the “exceptional circumstances” which might require the appointment of counsel do 3 not exist. *Wilborn*, 789 F.2d at 1331; accord *Palmer v. Valdez*, 560 F.3d 965, 970 (9th Cir. 2009). 4 In sum, the test is not whether Plaintiff would benefit from the appointment of counsel; the 5 test is whether exceptional circumstances exist.

Here, no exceptional circumstances exist 6 warranting the appointment of counsel. Thus, Plaintiff’s motion will be denied. 7 III. CONCLUSION AND ORDER 8 Accordingly, this Court HEREBY ORDERS that Plaintiff’s motion for the appointment 9 of counsel, (Doc. 7), is DENIED. 10 IT IS SO ORDERED. 11 12 Dated: November 20, 2025 /s/ Sheila K. Oberto. UNITED STATES MAGISTRATE JUDGE 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27