

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Martinez v. Heath, et al.

Martinez · No. 2:24-cv-0516-JDP (P) · Decided October 6, 2025

SUMMARY

The United States District Court for the Eastern District of California denied, without prejudice, Fred Martinez’s motion for appointment of counsel in his 42 U.S.C. § 1983 action against Heath and other defendants. The court concluded that Martinez had not demonstrated exceptional circumstances warranting a request for voluntary representation 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	Jeremy D. Peterson
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	October 6, 2025
DOCKET	2:24-cv-0516-JDP (P)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, a state prisoner proceeding pro se under 42 U.S.C. § 1983, moved for appointment of counsel.
STANDARD OF REVIEW	The court applied the exceptional-circumstances standard governing appointment of counsel for indigent prisoners in § 1983 actions, considering the plaintiff's likelihood of success on the merits and ability to articulate claims pro se in light of the complexity of the legal issues.
PRECEDENTIAL VALUE	Unpublished district court order; persuasive value only.
PARTIES	Fred Martinez v. Heath, et al.

TOPICS

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

PRACTICE AREAS

- civil rights
- prisoner civil rights
- civil procedure

QUESTIONS PRESENTED

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

HOLDINGS

- 1. A district court lacks authority to require counsel to represent an indigent prisoner in a § 1983 action, but may request an attorney to voluntarily represent the plaintiff in exceptional circumstances.
- 2. Plaintiff failed to meet his burden of demonstrating exceptional circumstances warranting appointment of counsel at that time.

KEY QUOTATIONS

“Circumstances common to most prisoners, such as lack of legal education and limited law library access, do not establish exceptional circumstances that warrant a request for voluntary assistance of counsel.” (at 1)

FACTUAL BACKGROUND

Plaintiff Fred Martinez is a state prisoner proceeding pro se in a civil rights action under 42 U.S.C. § 1983. He requested that the court appoint counsel. The court found that he failed to demonstrate exceptional circumstances warranting a request for voluntary assistance of counsel at that time.

PROCEDURAL HISTORY

Martinez brought a § 1983 action and moved for appointment of counsel. The district court considered whether exceptional circumstances warranted requesting voluntary representation and denied the motion without prejudice.

DISPOSITION

other

CASES CITED

- Mallard v. United States District 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)
- 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 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 FRED MARTINEZ, Case No. 2:24-cv-0516-JDP (P) 12 Plaintiff, 13 v.

ORDER 14 HEATH, et al., 15 Defendants. 16 17 Plaintiff is a state prisoner proceeding pro se in an action brought under 42 U.S.C. § 1983. 18 Plaintiff requests that the court appoint counsel. District courts lack authority to require counsel 19 to represent indigent prisoners in section 1983 cases.

Mallard v. United States Dist. Court, 490 20 U.S. 296, 298 (1989). In exceptional circumstances, the court may request an attorney to 21 voluntarily represent such a plaintiff. See 28 U.S.C. § 1915(e)(1); Terrell v. Brewer, 935 F.2d 22 1015, 1017 (9th Cir. 1991); Wood v. Housewright, 900 F.2d 1332, 1335-36 (9th Cir. 1990). 23 When determining whether “exceptional circumstances” exist, the court must consider plaintiff’s 24 likelihood of success on the merits as well as the ability of the plaintiff to articulate his claims pro 25 se in light of the complexity of the legal issues involved.

Palmer v. Valdez, 560 F.3d 965, 970 26 (9th Cir. 2009) (district court did not abuse discretion in declining to appoint counsel). The 27 burden of demonstrating exceptional circumstances is on the plaintiff. Id. Circumstances 28 common to most prisoners, such as lack of legal education and limited law library access, do not 1 | establish exceptional circumstances that warrant a request for voluntary assistance of counsel.

2 Having considered the factors under Palmer, the court finds that plaintiff has failed to 3 | meet his burden of demonstrating exceptional circumstances warranting the appointment of 4 | counsel at this time. 5 Accordingly, IT IS HEREBY ORDERED that plaintiff's motion for the appointment of 6 | counsel, ECF No. 37, is DENIED without prejudice. 7 | IT IS SO ORDERED.

9 | Dated: _ October 6, 2025 __ gene Ws JEREMY D. PETERSON 10 UNITED STATES
MAGISTRATE JUDGE 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28