

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Gonzales v. Madden

Gonzales · No. 23-cv-2181-AGS-DEB · Decided July 3, 2025

SUMMARY

The United States District Court for the Southern District of California denied without prejudice Plaintiff Helidoro Gonzales’s motion for appointment of counsel in his pro se 42 U.S.C. § 1983 action. The court found no exceptional circumstances because the record did not establish a likelihood of success on the merits or an inability to articulate the claims, while noting that Plaintiff’s filings would be construed liberally.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Daniel E. Butcher
JURISDICTION	United States District Court for the Southern District of California
DECIDED	July 3, 2025
DOCKET	23-cv-2181-AGS-DEB
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, a state prisoner proceeding pro se and in forma pauperis under 42 U.S.C. § 1983, moved for appointment of counsel.
STANDARD OF REVIEW	The court applied the discretionary exceptional-circumstances standard for appointment of counsel under 28 U.S.C. § 1915(e)(1), considering 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	Unknown

TOPICS

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

PRACTICE AREAS

- civil procedure
- civil rights
- prisoner litigation

QUESTIONS PRESENTED

1. Whether exceptional circumstances warranted appointment of counsel for a pro se, indigent prisoner in a civil rights action under 28 U.S.C. § 1915(e)(1).

HOLDINGS

1. Appointment of counsel was not warranted because Plaintiff had demonstrated an ability to articulate his claims and had not shown a likelihood of success on the merits; the motion was therefore denied without prejudice.
2. The court must construe Plaintiff's pro se pleadings and motions liberally and afford him the benefit of any doubt.

KEY QUOTATIONS

"The court must consider both "the likelihood of success on the merits as well as the ability of the [Plaintiff] to articulate his claims pro se in light of the complexity of the legal issues involved."" (at 1)

"In sum, the Court does not find the required exceptional circumstances present for appointment of counsel. Plaintiff's motion, therefore, is DENIED without prejudice to renewal at a later stage of the proceedings." (at 2)

FACTUAL BACKGROUND

Plaintiff Helidoro Gonzales is a state prisoner litigating a § 1983 action pro se and in forma pauperis. He sought appointed counsel, asserting that he was illiterate and Spanish-speaking, but his filings demonstrated an ability to articulate his claims and the record was not sufficiently developed to assess his likelihood of success.

PROCEDURAL HISTORY

The action was screened under 28 U.S.C. § 1915A, and eight of Plaintiff's eleven claims survived screening. Plaintiff then moved for appointment of counsel based principally on his assertion that he was illiterate and Spanish-speaking; the court denied the motion without prejudice.

DISPOSITION

other

CASES CITED

- Palmer v. Valdez, 560 F.3d 965, 970 (9th Cir. 2009)
- Storseth v. Spellman, 654 F.2d 1349, 1353 (9th Cir. 1981)
- Lassiter v. Department of Social Services of Durham County, North Carolina, 452 U.S. 18, 25 (1981)
- Weygandt v. Look, 718 F.2d 952, 954 (9th Cir. 1983)
- Jackson v. Carey, 353 F.3d 750, 757 (9th Cir. 2003)
- Bernhardt v. Los Angeles County, 339 F.3d 920, 925 (9th Cir. 2003)

