

No. 26-5308

**IN THE
UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT**

ALLISON BARTON RICE
Plaintiff-Appellant, pro se,

v.

CITY AND COUNTY OF SAN FRANCISCO, et al.
Defendants-Appellees.

On Appeal from the United States District Court
for the Northern District of California
No. 3:19-cv-04250-LB
The Honorable Laurel Beeler

MOTION FOR APPOINTMENT OF COUNSEL

Grounds for Appointment of Pro Bono Counsel

Plaintiff-Appellant Allison Barton Rice, appearing pro se, respectfully requests that the Court appoint pro bono counsel to assist him in the remaining proceedings in this civil appeal. In support, he states:

1. Rice is unable to afford counsel.

Rice has submitted his Form 4. Motion and Affidavit for Permission to Proceed in Forma Pauperis in this appeal at Dkt No. 3.

Rice was granted in Forma Pauperis in the now closed appeal No. 23-16013 and in the current appeal No. 24-2217. Additionally, the Court offered and Rice

accepted appointment of Pro Bono Counsel in appeal No. 24-2217. Under 28 U.S.C. § 1915(e)(1), the Court may request an attorney to represent any person unable to afford counsel.

2. Rice's disability is a significant, present obstacle to self-representation.

Rice is a 72-year-old veteran rated 100 percent service-connected disabled for a severe psychiatric condition (first diagnosed in December 1977 while on active-duty in the U.S. Navy, subsequently leading to his medical retirement). That condition is not an abstraction in this appeal: it is a substantial and continuing obstacle to the sustained logical analysis and organizational work that appellate practice demands, and it requires enormous effort on his part to manage. The governing standard for appointing counsel under 28 U.S.C. § 1915(e)(1) asks whether "exceptional circumstances" exist, evaluated in part by "the ability of the petitioner to articulate his claims pro se in light of the complexity of the legal issues involved." Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th Cir. 1986); Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991). Rice's documented disability bears directly on that factor and distinguishes his circumstances from the ordinary pro se litigant who cites only lack of legal training.

3. The issues are legally complex.

This appeal arises under Federal Rules of Civil Procedure 60(b)(6) in a Fair Housing Act case that can present intertwined and difficult questions, including: the standards governing Rule 60(b)(6); attorney conduct and duties to their client,

jury instruction; the scope of interference (including “meddling in” and “hampering”) under 42 U.S.C. § 3617; and the appellate-procedure process.

These are not issues of the kind a lay litigant can readily develop without legal training (let alone a severely mentally disabled person), and they are precisely the sort of complex questions that the appointment standard contemplates.

4. This Court has already found that appointed counsel is warranted in the closely related companion appeal.

This appeal and No. 24-2217 arise from the identical underlying case, N.D. Cal. No. 3:19-cv-04250-LB, between the same parties.

On June 17, 2026, in No. 24-2217, this Court stated that it is inclined to appoint pro bono counsel to represent Rice in that appeal (No. 24-2217, DktEntry 30.1), and Rice accepted (DktEntry 31.1). Much of the same complexity, the same indigence, and the same disability that led the Court to that determination in No. 24-2217 are present here. Consistency between the two related appeals supports appointment in this matter as well.

Conclusion

For these reasons, Rice respectfully requests that the Court appoint pro bono counsel to assist him in the remaining proceedings in No. 26-5308.

DATED: August 18, 2026

Respectfully submitted,

/s/ Allison Barton Rice

Allison Barton Rice
Plaintiff-Appellant, pro se