

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

**APPELLANT’S REPLY IN SUPPORT OF MOTION FOR APPOINTMENT
OF COUNSEL**

Plaintiff-Appellant Allison Barton Rice, appearing pro se, respectfully submits this short reply in support of his motion for appointment of counsel.

Appellees’ response does not materially dispute the present basis for appointment of counsel in this appeal. Instead, Appellees emphasize that Rice previously received pro bono counsel in the district court and later terminated that attorney-client relationship after judgment. That history does not resolve the present motion.

Rice's appeal is not a request to reappoint trial counsel, and it is not based merely on dissatisfaction with the result of trial. Rice's appeal concerns the denial of his Rule 60(b)(6) motion for relief from judgment.

The issues include whether extraordinary circumstances and manifest injustice existed when Rice's court-appointed counsel replaced his 42 U.S.C. § 3617 interference claim with Appellees' breach-of-contract-like compliance theory in direct violation of Rice's written instructions, failed to correct that violation when Rice ordered them to do so before trial, and then left him to bear the consequences of a judgment that rested on Appellees' breach-of-contract-like compliance theory instead of the § 3617 interference claim Rice had brought.

The fact that Rice previously had court-appointed trial counsel does not weigh against appointment in this appeal. That history is part of the reason counsel is needed now. Rice does not have legal training, has proceeded pro se since judgment, and is attempting to present a legally and procedurally complex appeal involving Rule 60(b)(6), attorney gross-negligence and abandonment-like conduct principles, the record sequence surrounding ECF Nos. 182, 188, 189, 201, 202, and 221, and the prejudice caused by court-appointed trial counsel's replacement of his § 3617 interference claim with Appellees' breach-of-contract-like compliance theory.

Appellees also do not dispute that Rice is indigent, that Rice suffers from a severe mental-illness disability, that this appeal requires careful record-based

analysis, or that this Court recently appointed counsel in Rice's related appeal concerning costs, Case No. 24-2217. Appointment of counsel here would assist both Rice and the Court by ensuring that the Rule 60(b)(6) issues are presented clearly, efficiently, and in accordance with the applicable appellate rules.

For these reasons, Rice respectfully requests that the Court grant his motion for appointment of counsel.

DATED: August 27, 2026

Respectfully submitted,

/s/ Allison Barton Rice

Allison Barton Rice
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