

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

**PLAINTIFF-APPELLANT’S MOTION FOR LEAVE TO SUBMIT
SUPPLEMENTAL MEDICAL RECOMMENDATION IN SUPPORT OF
PENDING MOTION FOR APPOINTMENT OF COUNSEL AND REQUEST
FOR 21 DAYS TO SUBMIT RECOMMENDATION**

Plaintiff-Appellant Allison Barton Rice, appearing pro se, respectfully moves for leave to submit a supplemental medical recommendation from his primary care physician in support of his pending Motion for Appointment of Counsel at Dkt. No. 4.1, and requests 21 days to obtain and submit that recommendation.

Rice previously moved for appointment of counsel because he is indigent, suffers from severe psychological impairments, and is attempting to litigate a legally and procedurally complex appeal involving the denial of relief under

Federal Rule of Civil Procedure 60(b)(6), or alternatively Rule 60(d)(3). Dkt. No. 4.1.

Rice also previously informed this Court that this litigation has taken an enormous toll on his mental health, physical health, social health, and financial health, and that he is a 72-year-old, 100% service-connected disabled veteran for a psychiatric illness. Dkt. No. 10.1. Rice respectfully seeks leave to supplement the pending counsel motion with a medical recommendation because his primary care physician is familiar with his severe mental-illness disability and with the stress this legal ordeal is imposing on him.

Rice requests 21 days because he must obtain an appointment with his primary care physician and must also obtain any necessary permission or clearance from the Veterans Health Service legal department before submitting the recommendation to this Court. Rice is not seeking to delay proceedings unnecessarily. Briefing is presently stayed under this Court's September 4, 2026 order at Dkt. No. 9.1, and there has been no docket activity since Rice filed his Statement That Appeal Is Not Frivolous and Should Go Forward at Dkt. No. 11.1.

The requested supplement would assist the Court in evaluating the pending request for appointment of counsel. Rice seeks leave only to provide medical support for the counsel issue. He does not seek by this motion to expand the merits issues or to relitigate the nonfrivolousness statement already filed.

If the physician recommendation contains private medical information, Rice respectfully requests permission to submit a redacted public version and, if necessary, to seek leave to file any unredacted medical material under seal or in another manner the Court deems appropriate.

For these reasons, Rice respectfully requests that this Court grant leave for him to submit a supplemental medical recommendation in support of his pending Motion for Appointment of Counsel and allow 21 days from the date of the Court's order to submit that recommendation.

DATED: October 5, 2026

Respectfully submitted,

/s/ Allison Barton Rice

Allison Barton Rice
Plaintiff-Appellant, pro se

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CERTIFICATE OF SERVICE

I, Allison Barton Rice, appearing pro se, hereby certify that on October 5, 2026, I electronically filed the foregoing Motion for Leave to Submit Supplemental Medical Recommendation in Support of Pending Motion for Appointment of Counsel and Request for 21 Days to Submit Recommendation with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

DATED: October 5, 2026

Respectfully submitted,

/s/ Allison Barton Rice

Allison Barton Rice

Plaintiff-Appellant, pro se