

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
EASTERN DIVISION**

BERNICE L. BROWN

PLAINTIFF

v.

NO. 2:11CV00157 JLH

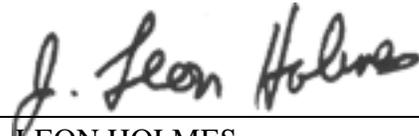
EAST ARKANSAS COMMUNITY COLLEGE

DEFENDANT

AMENDED ORDER

Bernice L. Brown has filed a motion for appointment of counsel in which she states that she lacks the resources to obtain counsel and recites that she has contacted three different lawyers but has been unable to engage one to represent her in this matter. The Court has found that she is indigent and is entitled to proceed *in forma pauperis*, so she meets the financial requirements for appointment of counsel. Before appointing a lawyer to represent an indigent plaintiff, however, the Court is required to inquire as to whether the plaintiff has alleged a *prima facie* claim in the pleadings that, if proven, would result in some form of relief for her. *Nelson v. Redfield Lithograph Printing*, 728 F.2d 1003, 1005 (8th Cir. 1984). At this point, it is not apparent that Brown has alleged a *prima facie* claim in the pleading that, if proven, would result in some form of relief for her. She brings this action under Title VII and apparently alleges that she was fired as a result of her race, color, and sex, but the facts that she recites include nothing from which the Court could conclude that she was fired because of her race, color, or sex. The Court will not, however, dismiss the complaint at this stage. The Court will order that the complaint be served and see what response comes from the defendant before determining whether there is sufficient merit to this case to justify appointment of counsel. For these reasons, the motion for appointment of counsel is denied at this time. Document #3.

IT IS SO ORDERED this 21st day of September, 2011.

A handwritten signature in black ink that reads "J. Leon Holmes". The signature is written in a cursive style with a horizontal line underneath it.

J. LEON HOLMES
UNITED STATES DISTRICT JUDGE