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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JESSE OLIVAR,

Plaintiff,

No. CIV S-09-0091 JAM DAD PS

vs.

JOHN E. POTTER, Postmaster
General, USPS, et al.,

ORDER

Defendants.

_____/

Plaintiff is proceeding pro se and in forma pauperis with an employment discrimination case. Before the court is an untitled document that addresses several topics but concludes with a request for an attorney. Plaintiff states that he has no job, is under severe stress, and is having “more complications and more pain.”

Three factors are relevant to the determination of whether counsel should be appointed to represent a plaintiff in an employment discrimination case such as this one: (1) the plaintiff’s financial resources, (2) the efforts already made by plaintiff to secure counsel, and (3) whether plaintiff’s claims have merit. Bradshaw v. Zoological Soc’y of San Diego, 662 F.2d 1301, 1318 (9th Cir. 1981). Appointment of counsel is not a matter of right. Ivey v. Board of Regents, 673 F.2d 266, 269 (9th Cir. 1982).

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1 Here, plaintiff's application to proceed in forma pauperis was granted by the
2 United States District Court for the Eastern District of New York before this case was transferred
3 to the United States District Court for the Eastern District of California. It appears that plaintiff
4 has made an adequate showing of indigency, thereby satisfying the first relevant factor. The
5 second factor has not been satisfied because plaintiff's request does not reveal any effort to
6 secure counsel. As to the third factor, while the court has not prejudged the case, plaintiff has not
7 shown that his claims have merit such that counsel should be appointed. For these reasons,
8 plaintiff's motion for appointment of counsel will be denied.

9 Accordingly, IT IS HEREBY ORDERED that plaintiff's July 15, 2009 motion for
10 appointment of counsel (Doc. No. 26) is denied.

11 DATED: July 27, 2009.

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DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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