

United States District Court
For the Northern District of California

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

TSEGAI HAILE,
Plaintiff,
v.
SANTA ROSA MEMORIAL HOSPITAL, et
al.,
Defendants

No. 08-4149 MMC

**ORDER DENYING PLAINTIFF’S
REQUEST FOR COURT’S ASSISTANCE
TO FIND ATTORNEY**

The Court is in receipt of plaintiff’s “Request for Court’s Assistance to Find an Atty
for Representation on His Cause,” filed March 10, 2010. Having read and considered the
request, and having reviewed the docket of the instant matter, the Court rules as follows.

Because plaintiff will not be subjected to any possible loss of physical liberty if he
does not prevail in the instant action, he has no right to appointment of counsel, see
Lassiter v. Dep’t of Social Services, 452 U.S. 18, 25 (1981), nor are funds available from
the district court to compensate appointed counsel. In employment actions brought under
Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, however, pro bono counsel may
be appointed “[u]pon application by the complainant and in such circumstances as the
court may deem just.” See 42 U.S.C. § 2000e-5(f)(1). In considering an application for
appointment of counsel under § 2000e-5(f)(1), the district court assesses three factors:

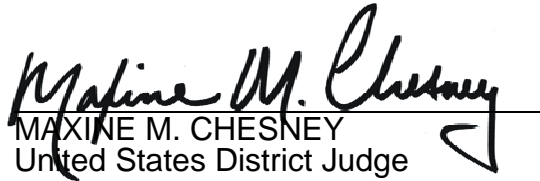
1 “(1) the plaintiff's financial resources, (2) the efforts made by the plaintiff to secure counsel,
2 and (3) whether the plaintiff's claim has merit.” See Bradshaw v. Zoological Soc. of San
3 Diego, 662 F. 2d 1301, 1318 (9th Cir. 1981).

4 Plaintiff has failed to make a sufficient showing with respect to any of the above-
5 referenced factors. Plaintiff has not shown he lacks the financial resources to hire an
6 attorney. Further, plaintiff has not shown he has made any effort to secure new counsel
7 following his decision to terminate his relationship with the attorney who previously
8 represented him herein. Finally, a jury has determined that plaintiff's claims lack merit. In
9 sum, plaintiff has not made a sufficient showing to justify a search for volunteer counsel
10 willing to accept an appointment.

11 Accordingly, plaintiff's request is hereby DENIED.

12 **IT IS SO ORDERED.**

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14 Dated: March 15, 2010


MAXINE M. CHESNEY
United States District Judge

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