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

VINCENTE OBICO,

Plaintiff,

No. C 11-03932 JSW

v.

**ORDER DENYING REQUEST
FOR APPOINTMENT OF
COUNSEL WITHOUT
PREJUDICE**

MISSION CREEK SENIOR
COMMUNITY/MERCY HOUSING, et al.,

Defendants.

On December 27, 2011, Plaintiff in this case filed a letter, in which he states that due to financial hardship, he is requesting a public defender to represent him in this matter. The Court construes this letter as a request by Plaintiff to appoint counsel in this case, in which he alleges that Defendants discriminated against him on the basis of age, race and national origin. “The decision to appoint counsel is left to the sound discretion of the district court.” *Johnson v. U.S. Treasury Dep’t.*, 27 F.3d 415, 416 (9th Cir. 1994) (citing *Johnson v. U.S. Dep’t of the Treasury*, 939 F.2d 820, 824 (9th Cir. 1991)). “Three factors are relevant to the trial court’s determination of whether to appoint counsel: (1) the plaintiff’s financial resources; (2) the efforts made by the plaintiff to secure counsel on his or her own; and (3) the merit of the plaintiff’s claim.” *Johnson*, 939 F.2d at 824.

Although this Court has determined that Plaintiff qualifies to proceed *in forma pauperis*, Plaintiff has not identified what efforts - if any - he has made to secure counsel on his own behalf. In addition, at this stage, the Court cannot evaluate whether Plaintiff’s claim has merit. Accordingly, Plaintiff’s request for appointment of counsel is DENIED WITHOUT

1 PREJUDICE. Plaintiff may renew his request in the future, but he must file a properly noticed
2 motion for appointment of counsel.

3 The Court HEREBY ADVISES Plaintiff that the Handbook for Pro Se Litigants, which
4 contains helpful information about proceeding without an attorney, is available through the
5 Court's website or in the Clerk's office. The Court also advises Plaintiff that he also may wish
6 to seek assistance from the Legal Help Center. Plaintiff may call the Legal Help Center at 415-
7 782-9000, extension 8657, or sign up on the 15th Floor of the Courthouse, Room 2796, for a
8 free appointment with an attorney who may be able to provide basic legal help, but not legal
9 representation.

10 **IT IS SO ORDERED.**

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12 Dated: January 4, 2012



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE

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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

OBICO et al,
Plaintiff,

Case Number: CV11-03932 JSW
CERTIFICATE OF SERVICE

v.


MISSION CREEK SENIOR
COMMUNITY/MERCY HOUSING et al,
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on January 4, 2012, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Vicente T. Obico
700 Brussels Street
San Francisco, CA 94134

Dated: January 4, 2012


Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk