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

9 FRANK AND DEBORAH MCDOWELL,

No. C 12-03192 JSW

10 Plaintiffs,

**ORDER TAKING THIRD  
MOTION FOR APPOINTMENT  
OF COUNSEL UNDER  
SUBMISSION**

11 v.

12 CITY AND COUNTY OF SAN FRANCISCO,

13 Defendants.  
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15 \_\_\_\_\_/

16 On July 31, 2012, Plaintiffs filed a third request for appointment of counsel. Pursuant to  
17 42 U.S.C. § 2000e-5(f)(1), a court may appoint counsel for a plaintiff “in such circumstances as  
18 the court may deem just.” There are three relevant factors to consider in determining “whether  
19 to appoint counsel: (1) the plaintiff’s financial resources; (2) the efforts made by the plaintiff to  
20 secure counsel on his or her own; and (3) the merit of the plaintiff’s claim.” *Johnson v. United*  
21 *States Treasury Department*, 27 F.3d 415, 416-17 (9th Cir. 1994). Ultimately, the decision on  
22 whether to appoint counsel is a matter left to the Court’s discretion. *Id.* at 416.

23 In their most recent motion, Plaintiffs attest that they have consulted four law firms,  
24 each of which has declined to represent them in this matter. Plaintiffs have now established the  
25 first and second requirements for appointment of counsel. At this stage, the Court still cannot  
26 evaluate whether Plaintiffs’ claim has merit. Accordingly, the Court shall take the motion  
27 under submission and shall reserve ruling on Plaintiffs’ third request for appointment of counsel  
28 pending further developments in this case.

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

8           **IT IS SO ORDERED.**

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10          Dated: August 6, 2012

  
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JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

FRANK AND DEBORAH MCDOWELL et  
al,

Case Number: CV12-03192 JSW

Plaintiff,

**CERTIFICATE OF SERVICE**

v.

CITY AND COUNTY OF SAN  
FRANCISCO 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 August 6, 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.

Deborah McDowell  
Frank McDowell  
2800 Bellwort Court  
Antioch, CA 94531

Dated: August 6, 2012



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