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

TATYANA EVGENIEVNA DREVALEVA,

Plaintiff,

No. C 18-03748 WHA

v.

U.S. DEPARTMENT OF VETERANS
AFFAIRS, et al.,

**ORDER RE PLAINTIFF'S
INQUIRIES**

Defendants.

In this *pro se* employment discrimination action, plaintiff has included the following inquiries in her opposition to defendants' motion to dismiss. *First*, plaintiff has inquired as to whether or not it would be proper to transfer her action to "the District Court of New Mexico." *Second*, plaintiff asks whether she should have "free of charge" counsel appointed on her behalf (Dkt. No. 40 at 18). This order addresses each inquiry in turn.

First, plaintiff asks for guidance as to whether this action should be maintained in this Court, or whether it should be transferred to the district court in New Mexico. Plaintiff is advised that this inquiry is better suited for the initial case management conference on November 29, however, absent a stipulation, this issue needs to be litigated on a motion basis.

Second, plaintiff requests appointment of counsel pursuant to 42 U.S.C. Section 2000e-5(f)(1)(B) (Dkt. No. 40 at 14). Under *Mallard v. United States District Court*, 490 U.S. 296, 304–05 (1989), there is no constitutional right to appointment of counsel in civil


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cases. To determine whether plaintiff is entitled to appointment of counsel under Title VII, the Court must assess: (1) plaintiff's financial resources; (2) plaintiff's efforts to secure counsel; and (3) whether plaintiff's claims have merit. *Bradshaw v. Zoological Soc. of San Diego*, 662 F.2d 1301, 1318 (9th Cir. 1981). Plaintiff has not produced evidence of her efforts to secure counsel.

Plaintiff is also advised that helpful information is available online at: <http://cand.uscourts.gov/proselitigants> and also in person at the legal help center. An appointment with the legal help center may be made by calling 415-782-9000, extension 8657. At this time, plaintiff's request for appointment of counsel must be **DENIED**.

IT IS SO ORDERED.

Dated: November 19, 2018.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE