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United States District Court
For the Northern District of California

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

TATYANA EVGENIEVNA DREVALEVA,
Plaintiff,
v.
U.S. DEPARTMENT OF VETERANS
AFFAIRS, *et al.*,
Defendants.

No. C 18-3748-WHA

**ORDER DENYING
RECONSIDERATION OF
REVOCATION OF *IN
FORMA PAUPERIS* STATUS
ON APPEAL**

In this *pro se* action against the Department of Veterans Affairs for terminating her employment, plaintiff moves for reconsideration of the order dated November 26 revoking her *in forma pauperis* status on appeal. Below are the key events in chronological order.

In her opposition to defendants' motion to dismiss, plaintiff requested appointment of counsel pursuant to 42 U.S.C. § 2000e-5(f)(1)(B) (Dkt. No. 40 at 14). An order dated November 19 advised plaintiff that *Mallard v. United States District Court*, 490 U.S. 296, 304–05 (1989), held that there is no constitutional right to counsel in civil cases. The order further advised plaintiff that she had the option of: (1) showing she met the four factor test under *Bradshaw v. Zoological Society of San Diego*, 662 F.2d 1301, 1318 (9th Cir. 1981); (2) contacting the legal help center in person or online at: <http://cand.uscourts.gov/proselitigants>; or (3) making an appointment with the legal help center by calling 415-782-9000, extension 8657.

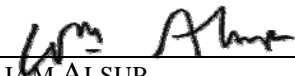
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Instead, plaintiff immediately appealed the November 19 order denying her request for appointment of counsel (Dkt. No. 58). Our court of appeals then referred the matter to this Court to determine whether plaintiff's *in forma pauperis* status should continue on appeal. An order dated November 26 found the appeal to be frivolous and revoked plaintiff's *in forma pauperis* status as to the appeal (without prejudice as to subsequent appeals).

Plaintiff now moves for reconsideration of the November 26 order revoking her *in forma pauperis* status on appeal. In her motion, plaintiff states that she made one attempt to secure counsel (Dkt. No. 65 at 2). That new fact does not change the conclusion that plaintiff has not met the standard under *Bradshaw* (at least on the current record). Accordingly, plaintiff's motion is **DENIED**.

IT IS SO ORDERED.

Dated: December 4, 2018.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE