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CLERK US DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

LUISA C. WILDEY,  
  
vs.  
  
STATE OF CALIFORNIA, et al.,  
  
Plaintiff,  
  
Defendant.

CASE NO. 07cv1154 JM(JMA)  
  
ORDER GRANTING MOTION TO  
PROCEED IN FORMA PAUPERIS;  
DENYING MOTION FOR  
APPOINTMENT OF COUNSEL

**The In Forma Pauperis Request**

On or about June 26, 2007 Plaintiff submitted an application to proceed in forma pauperis. A court may authorize the commencement of a suit without prepayment of fees if the plaintiff submits an affidavit, including a statement of assets, showing that she is unable to pay the fees. 28 U.S.C. § 1915(a). Plaintiff declares that she is unemployed and possess no significant asset. She declares that she receives about \$705 per month in Social Security disability payments and spousal Social Security and retirement benefits in the amount of about \$1,673 per month. In light of the amount of debt identified in the application, and limited income and assets, the Court grants Plaintiff's request to proceed in forma pauperis.

**The Appointment of Counsel Request**

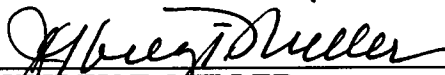
Plaintiff requests the appointment of counsel to assist her in prosecuting this civil action. The Constitution provides no right to appointment of counsel in a civil case unless an indigent litigant may lose his physical liberty if he loses the litigation. Lassiter v. Dept. of Social Services, 452 U.S. 18, 25

1 (1981). However, this court has the discretion to appoint counsel in a Title VII action “in such  
 2 circumstances as the court may deem just.” 42 U.S.C. § 2000e-5(f)(1)(b). In making this  
 3 determination, the court considers the following three factors when deciding whether to appoint  
 4 counsel: “(1) the plaintiff’s financial resources; (2) the efforts made by the plaintiff to secure counsel;  
 5 and (3) whether the plaintiff’s claim has merit.” Bradshaw v. Zoological Soc’y of San Diego, 662 F.2d  
 6 1301, 1318 (9th Cir.1981). Here, even though Plaintiff has monthly income of about \$2,300 per  
 7 month, she has limited financial resources to employ an attorney. The only efforts by Plaintiff to  
 8 secure counsel is mailing of one certified letter sent to an unidentified attorney and one phone call to  
 9 San Diego Referral Service wherein she was informed that such referral service did not provide  
 10 counsel for federal courts. (Motion at pp. 3, 4). With respect to the merits of Plaintiff’s claims, the  
 11 court notes that Plaintiff appears to have a sufficient grasp of her case, the legal issues involved, and  
 12 is able to adequately articulate the basis of her complaint. The court finds that Plaintiff (1) has limited  
 13 financial resources; (2) has taken insufficient steps to secure an attorney; and (3) appears capable of  
 14 articulating the basis for her claim and making rational arguments. Under these circumstances, the  
 15 Court denies plaintiff’s request for appointment of counsel.

16 In sum, the motion to proceed in forma pauperis is granted and the motion for appointment of  
 17 counsel is denied.

18 **IT IS SO ORDERED.**

19 DATED: 8/24, 2007

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 21 JEFFREY T. MILLER  
 22 United States District Judge

22 cc: All parties

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