

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION

ANNIE E. JOHNSON COUNCE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 2:05 CV 129
	)	
U.S. STEEL GARY WORKS,	)	
	)	
Defendant	)	

OPINION AND ORDER

This matter is before the court on the Submission of Request for Summary of Plan Description and Complete Text of Rules and Regulations filed by the plaintiff, Anne Johnson Counce, on April 5, 2005, and the Motion to Appoint Counsel filed by the plaintiff on April 13, 2005. These motions are **DENIED**.

The plaintiff bears the burden of conducting her own discovery and legal research in this case. In addition, as Judge David Hamilton of the Southern District of Indiana noted in his decision not to appoint counsel prior to the transfer of this case, "the plaintiff has not demonstrated any effort to obtain counsel through the private marketplace . . . . [U]ntil she makes such an effort the court is unable to consider her request for counsel in more substantive terms." (March 23, 2005 Order, pg. 1) See also **Barnhill v. Doiron**, 958 F.2d 200 (7<sup>th</sup> Cir. 1992); **Jackson v. County of McLean**, 953 F.2d 1070, 1073 (7<sup>th</sup> Cir. 1992). Counce's bald statement that she has "tried referrals and was turned down" and that the union hall was "no help" are not sufficient evidence that she has made a "reasonable effort to retain counsel and was unsuccessful or that [she] was effectively precluded from making

such efforts." **Jackson**, 953 F.2d at 1073. Accordingly, the plaintiff's motions are **DENIED**.

ENTERED this 26<sup>th</sup> day of April, 2005

s/ ANDREW P. RODOVICH  
United States Magistrate Judge