

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA**

ELIZABETH A. NEWLIN,)	
)	
Plaintiff,)	
vs.)	1:10-cv-0932-WTL-TAB
)	
FED EX CORPORATION,)	
)	
Defendant.)	

ENTRY

The plaintiff's motion for appointment of counsel (dkt 8) has been considered. Contrary to the plaintiff's apparent understanding, the issue presented by her motion is not one of finances. Litigants requesting that counsel be recruited must show as a threshold matter that they have made a reasonable attempt to secure private counsel. *Gil v. Reed*, 381 F.3d 649, 656 (7th Cir. 2004); *Zarnes v. Rhodes*, 64 F.3d 285, 288 (7th Cir. 1995). The court must deny "out of hand" a request for counsel made without a showing of such effort. *Farmer v. Haas*, 990 F.2d 319, 321 (7th Cir. 1993). The plaintiff asserts that she has talked to an unspecified number of attorneys, but none have been willing or able to take her case. Although the court concludes, based on the above filing, that the plaintiff has made a reasonable effort to secure representation, she should continue her own efforts.

The court proceeds to the second inquiry required in these circumstances. The court's task in this second inquiry is to analyze the plaintiff's abilities as related to "the tasks that normally attend litigation: evidence gathering, preparing and responding to motions and other court filings, and trial." *Pruitt v. Mote*, 503 F.3d 647, 654-55 (7th Cir. 2007). Accordingly, the question is not whether an attorney would help the plaintiff's case, but whether, given the difficulty of the case, the plaintiff seems competent to litigate it herself. *Id.* at 653-655. At this point, and based on the plaintiff's comprehensible filings, her use of the court's processes, her familiarity with both the factual circumstances surrounding her claims and with the legal issues associated with those claims, the plaintiff is competent to litigate on her own.

Based on the foregoing, therefore, the plaintiff's motion for appointment of counsel (dkt 8) must be **denied** at this time.

IT IS SO ORDERED.

Date: 08/24/2010



Hon. William T. Lawrence, Judge
United States District Court
Southern District of Indiana

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