

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

AARON THRASHER,)	
)	
Plaintiff,)	
)	
v.)	No. 1:20-cv-03263-JPH-DLP
)	
CARVANA LLC,)	
)	
Defendant.)	

ORDER

I. Granting *in forma pauperis* status

Mr. Thrasher's motion to proceed *in forma pauperis*, dkt. [2], is

GRANTED. See 28 U.S.C. § 1915(a). While *in forma pauperis* status allows Mr. Thrasher to proceed without prepaying the filing fee, he remains liable for the full fees. *Ross v. Roman Catholic Archdiocese of Chicago*, 748 F. App'x 64, 65 (7th Cir. Jan. 15, 2019) ("Under 28 U.S.C. § 1915(a), a district court may allow a litigant to proceed 'without *prepayment* of fees,' . . . but not without *ever* paying fees."). No payment is due at this time.

II. Denying Motion for Counsel

Mr. Thrasher's motion for counsel, dkt. [3], has also been considered. Litigants in federal civil cases do not have a constitutional or statutory right to court-appointed counsel. *Walker v. Price*, 900 F.3d 933, 938 (7th Cir. 2018). "Two questions guide this court's discretionary decision whether to recruit counsel: (1) 'has the indigent plaintiff made a reasonable attempt to obtain counsel or been effectively precluded from doing so,' and (2) 'given the difficulty

of the case, does the plaintiff appear competent to litigate it himself?" *Id.* (quoting *Pruitt v. Mote*, 503 F.3d 647, 654-55 (7th Cir. 2007)). "Whether to recruit an attorney is a difficult decision: Almost everyone would benefit from having a layer, but there are too many indigent litigants and too few lawyers willing and able to volunteer for these cases." *Olson v. Morgan*, 750 F.3d 708, 711 (7th Cir. 2014).

Mr. Thrasher indicates that he has attempted to recruit counsel on his own. Dkt. 3. The Court appreciates Mr. Thrasher's attempts at recruiting counsel and does take his efforts into consideration.

For the second question, the Court considers "whether the difficulty of the case—factually and legally—exceeds the particular plaintiff's capacity as a layperson to coherently present it to the judge or jury himself." *Id.* At this early stage, Mr. Thrasher has effectively communicated the claim he intends to pursue and has not shown a need for counsel to assist him in amending his complaint, or to "investigate and flesh out any claim that may exist." *Mapes v. Indiana*, 932 F.3d 968, 971-72 (7th Cir. 2019).

Therefore, at this time, Mr. Thrasher's motion for assistance with recruiting counsel, dkt. [3], is **DENIED without prejudice**. If Mr. Thrasher wishes to renew his motion as the case progresses, he may do so.

III. Directing Service of Process

The **clerk is directed** under Federal Rule of Civil Procedure 4(c)(3) to issue process to Defendant Carvana LLC in the manner specified by Rule 4(d). Process shall consist of the complaint, dkt. 1, applicable forms (Notice of

Lawsuit and Request for Waiver of Service of Summons and Waiver of Service of Summons), and this Order.

SO ORDERED.

Date: 1/6/2021



James Patrick Hanlon
United States District Judge
Southern District of Indiana

Distribution:

AARON THRASHER
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Carvana LLC
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