

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

E. FRANCES HAYCRAFT,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 13-1254-MLB-KGG
	)	
FIDELITY MANAGEMENT d/b/a	)	
PONDEROSA APARTMENTS,	)	
	)	
Defendant.	)	
_____	)	

**ORDER ON MOTION TO RECONSIDER DENIAL OF  
REQUEST FOR APPOINTMENT OF COUNSEL**

In conjunction with her federal court Complaint alleging violations of her civil rights and the Americans with Disabilities Act, Plaintiff E. Frances Haycraft filed a Motion to Proceed Without Prepayment of Fees. (*IFP* Application, Doc. 3, sealed.) The Court previously granted the *IFP* motion. (*See* Doc. 7.)

Plaintiff also filed a Motion for Appointment of Counsel (Doc. 4), which the Court denied. (*See* Doc. 7.) In its previous Order, the Court determined that the complexity of the legal issues and Plaintiff's ability to gather and present crucial facts did not justify the appointment of counsel. (*Id.*, at 3-5, citing *Castner v. Colorado Springs Cablevision*, 979 F.2d, 1417, 1422 (10<sup>th</sup> Cir. 1992).) The Court

also noted that the factual and legal issues in this employment discrimination case are not unusually complex. (*Id.*, at 4, citing *Kayhill v. Unified Govern. of Wyandotte*, 197 F.R.D. 454, 458 (D.Kan. 2000).)

Plaintiff has now asked the Court to reconsider that Order, contending that her circumstances have changed, thus necessitating the appointment of counsel. (Doc 31, at 1.) Specifically, Plaintiff states that she has been diagnosed with “celluitis [sic]” and has become homeless. While the Court sympathizes with Plaintiff’s circumstances, this does not justify the appointment of counsel as these factors do not make the legal issues more complex, do not render Plaintiff less articulate, and do not render Plaintiff unable to gather and present facts crucial to her case. Plaintiff’s motion is, therefore, **DENIED**.

The Court does, however, inform the parties that it is considering setting this matter for mediation. Should that occur, the Court will be inclined to appoint counsel for Plaintiff for the limited purpose of assisting her with, and representing her at, the mediation.

**IT IS THEREFORE ORDERED** that Plaintiff’s Motion to Reconsider Denial of Request for Appointment of Counsel (Doc. 31) is **DENIED**.

**IT IS SO ORDERED.**

Dated at Wichita, Kansas, on this 6<sup>th</sup> day of December, 2013.

/S KENNETH G. GALE  
KENNETH G. GALE  
United States Magistrate Judge