

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

LINDA McCORMICK,

Plaintiff,

v.

Case No. 08-10075

ROBERT BRZEZINSKI, et al.,

Defendant.

**OPINION AND ORDER DENYING PLAINTIFF'S
MOTION FOR APPOINTMENT OF COUNSEL**

Pending before the court is pro se Plaintiff Linda McCormick's motion for appointment of counsel, filed on June 6, 2009. Since filing that motion Plaintiff has requested the aid of the Michigan Association of Justice Pro Bono Program. (Attached Letter from Alan Wittenberg, Received in Chambers on Oct. 19, 2009.) These efforts has proven unfruitful. *Id.*

Although there is no constitutional *right* to counsel in a civil case, *Lanier v. Bryant*, 332 F.3d 999, 1006 (6th Cir. 2003), federal courts may "request" an attorney to represent an indigent in a civil case. 28 U.S.C. § 1915(e)(1). Such action is generally appropriate in "exceptional circumstances." *Lavado v. Keohane*, 992 F.2d 601, 605 (6th Cir. 1993). Here, the case boils down to a determination of whether Plaintiff's assertion of assault in the face of Defendant Leosh's denial, is provably true. Plaintiff has proven her ability to file briefs and respond to Defendant's motions in adequate fashion. "Exceptional circumstances," therefore, are not shown to exist. The court has, nonetheless, inquired of this district's Pro Bono Committee, chaired by a United States

District Judge, the Honorable Denise Page Hood. The court provided an outline of the case along with the significant case documents, and requested appointment of a volunteer pro bono attorney, but to no avail. Accordingly,

IT IS ORDERED that Plaintiff's "Motion to Appoint of Counsel" [Dkt. # 114] is DENIED.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: November 17, 2009

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, November 17, 2009, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522

ALBERT LOPATIN
ALAN WITTENBERG

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Of Counsel
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October 13, 2009

Ms. Linda McCormick
P.O. Box 51333
Livonia, MI 48151

Re: McCormick vs. Brzezinski, et al.
Case No. 08-CV-10075

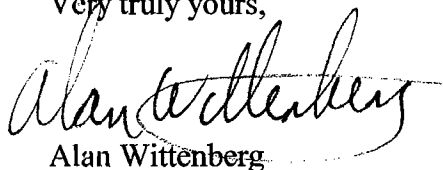
Dear Ms. McCormick:

Unfortunately, the Michigan Association of Justice Pro Bono Program is not going to be able to assist you regarding your current case in the Eastern District of Michigan Federal Court.

As we discussed during our meeting, I suggest that you contact the ACLU. You had discussed with me in the past that you have had previous positive dealings with the ACLU. I certainly believe that that organization has the necessary means and staff to help you in this case.

I wish you the best of luck with this case and in the future.

Very truly yours,



Alan Wittenberg

AW/kj

cc: Ms. Charlene R. Gill ✓
Judicial Secretary
United State District Court
231 West Lafayette Boulevard
Detroit, Michigan 48226