

In her financial affidavit, Plaintiff states that she is employed and receives a bi-weekly pay check of \$2,899. Her yearly salary is \$75,367. In addition, she owns a home last appraised at \$42,000 and a lot valued at \$1,500. Her bi-weekly payroll deductions total \$1147.53, and her bi-weekly debts, which include utilities, loans, and credit cards, total \$1327. Plaintiff's affidavit further avers that she nets \$424.47 per month after paying her monthly bills. (Financial Aff., ECF no. 13) While Plaintiff contends that she has family issues that require her to financially help her niece and nephew, the Court finds that Plaintiff has sufficient funds such that in forma pauperis status is not warranted. See Cross v. General Motors Corp., 721 F.2d 1152, 1157 (8th Cir. 1983) (“[T]he decision whether to grant or deny in forma pauperis status is within the sound discretion of the trial court.”). Aside from the fact that Plaintiff already paid the filing fee, which renders her request for IFP status moot, she is not entitled to consideration of her motion for appointment counsel based on her poverty.

Under 28 U.S.C. § 1915(e)(1), “[t]he court may request an attorney to represent any person unable to afford counsel.” This provision applies only to indigent pro se litigants who have been granted in forma pauperis status in a civil case. Ruach v. Berts, Civ. No. 12-1129 (PAM/JSM), 2013 WL 796322, at *2 (D. Minn. March 4, 2013). As stated above, the Court in its discretion finds that Plaintiff is not indigent and thus is ineligible for appointment of counsel.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Motion for Appointment of Counsel and Affidavit in Support (ECF No. 9) is **DENIED**.

_____/s/ Terry I. Adelman_____

UNITED STATES MAGISTRATE JUDGE

Dated this 14th day of May, 2013.