

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

**ELIZABETH ANDERSON and
UNIFUND CCR PARTNERS,**

Defendants.

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8:09CV23

ORDER

This matter is before the court for progression of the case pursuant to Chief Judge Bataillon's August 24, 2009, Order ([Filing No. 18](#)) and [Federal Rule of Civil Procedure 16](#). Based on the circumstances of this case, the parties shall confer with each other and the plaintiff shall file a status report describing the issues remaining for resolution and the timing and nature discovery necessary to prepare the matter for trial.

Additionally, Ms. Anderson, who is proceeding *pro se*, has requested the court appoint counsel to represent her. **See** [Filing No. 13](#). However, the court cannot routinely appoint counsel in civil cases. The Eighth Circuit Court of Appeals explained:

Indigent civil litigants do not have a constitutional or statutory right to appointed counsel. The trial court has broad discretion to decide whether both the plaintiff and the court will benefit from the appointment of counsel, taking into account the factual and legal complexity of the case, the presence or absence of conflicting testimony, and the plaintiff's ability to investigate the facts and present his claim.

[Davis v. Scott](#), 94 F.3d 444, 447 (8th Cir. 1996) (internal quotation and citations omitted).

The court finds appointment of counsel is not necessary at this time to enable the defendant to pursue her interests in this lawsuit. Ms. Anderson will proceed *pro se* unless she retains legal counsel or counsel is appointed by the court at a later time. While Ms. Anderson proceeds *pro se*, she is required to communicate with the government's attorney about this case. Specifically, Ms. Anderson is required to communicate with the government's attorney about scheduling this matter to trial, as described in this order, and

shall keep the Clerk and counsel for the plaintiff informed of her current address and telephone number. Upon consideration,

IT IS ORDERED:

1. The plaintiff shall have to **on or before September 29, 2009**, to file a joint status report describing the issues remaining for resolution and the timing and nature discovery necessary to prepare the matter for trial. The parties shall confer about the content of the status report prior to September 29, 2009.

2. The Clerk of Court shall send a copy of this order to Ms. Anderson at her last known address:

Elizabeth Anderson
25 McHenry Road
Chadron, NE 69337

DATED this 25th day of August, 2009.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge

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