UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

BRUCE WILCOX, et al.,

Plaintiff(s),

v.

PORTFOLIO RECOVERY ASSOCIATES, LLC,

Defendant(s).

Case No. 2:20-cv-01545-JAD-NJK

Order

[Docket Nos. 57, 58, 59]

Pending before the Court is Plaintiffs' motion to be referred to the Pro Bono Program to obtain attorney representation. Docket No. 57. Whether to refer a party to the Pro Bono Program is a matter of judicial discretion that may include discussion of a number of factors. *Williams v. Hardesty*, 2018 WL 2188006, at *3 (D. Nev. Apr. 10, 2018). In the circumstances of this case, the Court does not find such a referral to be warranted. First, Plaintiffs do not have a significant likelihood of success on the merits. *See, e.g.*, Docket No. 52 (granting motion to dismiss). Second, the Court is not persuaded that Plaintiffs are unable to articulate their claims in light of the complexities involved. The issues in the case are not complex. Moreover and significantly, the currently procedural posture is such that a motion to dismiss the amended complaint has been fully briefed and discovery has been stayed, *see* Docket Nos. 47, 55, so there is no current need for counsel. Accordingly, the motion to be referred to the Pro Bono Program is **DENIED**.

Also pending before the Court are Plaintiffs' applications to proceed *in forma pauperis*. Docket Nos. 58, 59. The filing fee in this case was paid by Defendant upon removal from state court. These applications to proceed *in forma pauperis* are presumably filed in support of the above motion for *pro bono* counsel. The Court has considered Plaintiffs' indigency in considering

that motion for *pro bono* counsel, but does not find that circumstance changes the outcome here. Accordingly, the applications to proceed *in forma pauperis* are **DENIED** as unnecessary.

IT IS SO ORDERED.

Dated: November 16, 2021

Nancy J. Koppe
United States Magistrate Judge