

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

In re: :
 : Civil Action No. 05-3086 (JAG)
 Shirley Goodheart, :
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 Debtor. :
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ORDER

GREENAWAY, JR., U.S.D.J.

This matter having come before the Court by way of the application of Shirley Goodheart (“Debtor”) filed on August 17, 2005 seeking appointment of pro bono counsel; and it appearing that counsel may be appointed in civil cases pursuant to 28 U.S.C. § 1915(e); and it further appearing that, “[a]s a preliminary matter, the plaintiff’s claim must have some merit in fact and law,” Parham v. Johnson, 126 F.3d 454, 457 (3d Cir. 1997); and it further appearing that if plaintiff’s claim has arguable merit, the court should consider the following factors: “(1) the plaintiff’s ability to present his or her own case; (2) the complexity of the legal issues; (3) the degree to which factual investigation will be necessary and the ability of the plaintiff to pursue such investigation; (4) the amount a case is likely to turn on credibility determinations; (5) whether the case will require the testimony of expert witnesses; (6) whether the plaintiff can attain and afford counsel on his own behalf,” id. (citing Tabron v. Grace, 6 F.3d 147, 155-56, 157 n.5 (3d Cir. 1993)); and it appearing that the Court has considered the factors set forth in Tabron and all of the applicable factors militate towards the finding that no appointment of counsel is necessary in this matter; and good cause appearing;

IT IS on this 12th day of September, 2005,

ORDERED that Plaintiff's request for appointment of counsel is DENIED; and

IT IS FURTHER ORDERED that a copy of this Order shall be served on the parties within seven (7) days of the date of this Order.

S/Joseph A. Greenaway, Jr.
JOSEPH A. GREENAWAY, JR., U.S.D.J.