

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MICHAEL P. ALARCON,

Plaintiff,

- against -

NASSAU COUNTY DEPARTMENT, PARKS,
RECREATION AND MUSEUM,

Defendants.

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ROSLYNN R. MAUSKOPF, United States District Judge:

ORDER
13-CV-651 (RRM)(ETB)

On January 30, 2013, plaintiff filed this *in forma pauperis* complaint *pro se* alleging employment discrimination under Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e to 2000e-17, the Age Discrimination and Employment Act of 1967, 29 U.S.C. §§ 621-634 and the Americans with Disabilities Act of 1990, 42 U.S.C. § 12112-12117. Plaintiff's application to proceed *in forma pauperis* under 28 U.S.C. § 1915 is hereby granted.

By letter filed with the Court on January 30, 2013, plaintiff also requests *pro bono* counsel pursuant to 28 U.S.C. § 1915(e). Plaintiff's request is denied. In considering requests for appointment of counsel, the Court must first consider whether plaintiff's position is "likely to be of substance." *Ferrelli v. River Manor Health Care Center*, 323 F.3d 196, 204 (2d Cir. 2003). Plaintiff has not met the threshold requirement that his claim is "likely to be of substance" at this juncture. Therefore, plaintiff's request for *pro bono* counsel is denied without prejudice.

The United States Marshals Service is directed to serve the summons and complaint upon the defendant without prepayment of fees. The Clerk of Court is directed to mail a copy of this Order to plaintiff.

SO ORDERED.

Roslynn R. Mauskopf

Dated: February 28, 2013
Brooklyn, New York

ROSLYNN R. MAUSKOPF
United States District Judge