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UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

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CHASTITY QUINTANA,

Plaintiff,

v.

GERALDINE KING WOMEN'S CENTER;  
PREMIER SECURITY; and ALL  
EMPLOYEE IN THE BUILDING AND  
HOMELESS WOMENS,

Defendants.

**MEMORANDUM DECISION AND  
ORDER DENYING WITHOUT  
PREJUDICE MOTION FOR  
APPOINTMENT OF COUNSEL  
(DOC. NO. 6)**

Case No. 2:24-cv-00147

Magistrate Judge Daphne A. Oberg

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Plaintiff Chastity Quintana filed this action without an attorney and without paying the filing fee.<sup>1</sup> Ms. Quintana now moves for appointment of counsel.<sup>2</sup> Because Ms. Quintana does not provide adequate justification for her request, the motion is denied without prejudice.

While defendants in criminal cases have a constitutional right to representation by an attorney,<sup>3</sup> “[t]here is no constitutional right to appointed counsel in a civil case.”<sup>4</sup> Appointment of counsel in civil cases is left to the court’s discretion.<sup>5</sup> Indigent parties in civil cases may apply for the appointment of counsel under 28 U.S.C. § 1915(e)(1), which allows a court to

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<sup>1</sup> (See Order Granting Mot. to Proceed in Forma Pauperis, Doc. No. 4; Compl., Doc. No. 5.)

<sup>2</sup> (Mot. for Appointment of Counsel, Doc. No. 6.)

<sup>3</sup> See U.S. Const. amend. VI; Fed. R. Crim. P. 44.

<sup>4</sup> *Durre v. Dempsey*, 869 F.2d 543, 547 (10th Cir. 1989).

<sup>5</sup> *Shabazz v. Askins*, 14 F.3d 533, 535 (10th Cir. 1994).

“request an attorney to represent any person unable to afford counsel.” The applicant has the burden to convince the court her claim has enough merit to warrant appointment of counsel.<sup>6</sup> When deciding whether to appoint counsel, the court considers a variety of factors, including “the merits of the litigant’s claims, the nature of the factual issues raised in the claims, the litigant’s ability to present [the] claims, and the complexity of the legal issues raised by the claims.”<sup>7</sup>

Ms. Quintana asks the court to appoint counsel, but states no reason or basis for the request, other than that she “should be help[ed] with the Court” and that she “can’t pay.”<sup>8</sup> As outlined above, this is insufficient to warrant appointment of counsel in a civil case. Even if Ms. Quintana shows through a financial affidavit or other evidence that she cannot afford a lawyer, she still must satisfy her burden of convincing this court that her claim has enough merit to

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<sup>6</sup> *McCarthy v. Weinberg*, 753 F.2d 836, 838 (10th Cir. 1985).

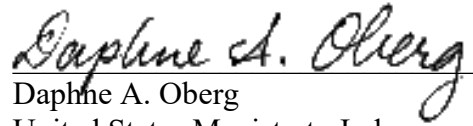
<sup>7</sup> *Rucks v. Boergemann*, 57 F.3d 978, 979 (10th Cir. 1995) (internal quotation marks omitted).

<sup>8</sup> (See Mot. for Appointment of Counsel, Doc. No. 6.)

warrant appointment of counsel. Accordingly, the court DENIES Ms. Quintana's motion for appointment of counsel<sup>9</sup> without prejudice.<sup>10</sup>

DATED this 1st day of March, 2024.

BY THE COURT:

  
Daphne A. Oberg  
United States Magistrate Judge

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<sup>9</sup> (Doc. No. 6.)

<sup>10</sup> Because the motion is denied without prejudice, Ms. Quintana may file a new motion explaining why, under the factors outlined above, her case warrants the appointment of counsel.