

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DIANA WIERZCHOS,
Plaintiff,
v.
ANTHONY MENDEZ, *et al.*,
Defendants.

Case No. C21-1430RSL

ORDER TO SHOW CAUSE

On October 26, 2021, plaintiff's complaint in the above-captioned matter was accepted for filing, and plaintiff filed a motion for appointment of counsel. Plaintiff alleges that she was forced to work for no pay at a Swarovski jewelry store in Palm Beach, Florida, in 2014. She asserts federal claims regarding debt bondage, peonage, and/or involuntary servitude and seeks to recover her back wages, expenses, and benefits. There is no indication that either defendant resides in or has any connection with Washington.

Pursuant to 28 U.S.C. § 1331, civil actions in federal court may be brought, with limited exceptions, only in the judicial district where defendants reside or in a judicial district in which a substantial part of the events giving rise to the claim occurred.¹ Because this action apparently involves defendants who reside outside of Washington and involves conduct which occurred in Florida, venue does not lie in this judicial district. Plaintiff is therefore ORDERED TO SHOW CAUSE why the above-captioned matter should not be dismissed for improper venue under 28 U.S.C. § 1406(a). Plaintiff shall file her response on or before December 8, 2021. The Clerk of Court is directed to note this Order to Show Cause on the Court's calendar.

1 for Friday, December 10, 2021.

2 Turning to plaintiff's motion for appointment of counsel (Dkt. # 6), a person generally
3 has no right to counsel in civil actions. *See Storseth v. Spellman*, 654 F.2d 1349, 1353 (9th Cir.
4 1981).

5 However, a court may under "exceptional circumstances" appoint counsel for
6 indigent civil litigants pursuant to 28 U.S.C. § 1915(e)(1). *Agyeman v. Corrs.*
7 *Corp. of Am.*, 390 F.3d 1101, 1103 (9th Cir. 2004). When determining whether
8 "exceptional circumstances" exist, a court must consider "the likelihood of success
9 on the merits as well as the ability of the petitioner to articulate his claims *pro se* in
10 light of the complexity of the legal issues involved." *Weygandt v. Look*, 718 F.2d
11 952, 954 (9th Cir. 1983). Neither of these considerations is dispositive and instead
12 must be viewed together. *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir.
13 1986).

14 *Palmer v. Valdez*, 560 F.3d 965, 970 (9th Cir. 2009). In addition, the party seeking appointment
15 of counsel must show indigency.

16 Given the information provided in the complaint, it appears that plaintiff's claims cannot
17 succeed in this district. Even if the Court presumes that a statement of the law of peonage, debt
18 bondage, and/or involuntary servitude is beyond plaintiff's *pro se* capabilities, the residence of
19 the parties and the location of the alleged wrongs are within her ability to articulate and appear
20 to be dispositive. In addition, plaintiff has failed to provide any information regarding her
21 finances that could support a finding of indigency. Plaintiff has not shown the sort of exceptional
22 circumstances that justify appointment of counsel at the public's expense. Dkt. # 6 is, therefore,
23 DENIED.

24 Dated this 17th day of November, 2021.

25 

26 Robert S. Lasnik
United States District Judge