

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

BRIDGETT M. MAYS,

Plaintiff,

vs.

Case No. 18-2355-SAC

NANCY A. BERRYHILL,
Acting Commissioner of
Social Security,

Defendant.

MEMORANDUM AND ORDER

On July 9, 2018, plaintiff filed her complaint in this case (Doc. 1). Plaintiff filed a motion requesting waiver of her filing fee (Doc. 3). Plaintiff's affidavit indicates that plaintiff is employed, and her monthly income is \$1,323.00. Her monthly expenses are \$1,420.00. She has no cash on hand. On these facts, the court finds that plaintiff is in forma pauperis, and the filing fee should be waived.

IT IS THEREFORE ORDERED that the motion for leave to proceed in forma pauperis and waive the filing fee (Doc. 3) is granted.

Plaintiff also filed a motion requesting appointment of counsel (Doc. 4). There is no constitutional right to appointment of counsel in a civil case. Carper v. DeLand, 54 F.3d 613, 616 (10th Cir. 1995); Durre v. Dempsey, 869 F.2d 543,

547 (10th Cir. 1989). 28 U.S.C. § 1915(e)(1) states that the court may request an attorney to represent any person unable to afford counsel. The decision whether to appoint counsel in a civil matter lies in the discretion of the district court.

Williams v. Meese, 926 F.2d 994, 996 (10th Cir. 1991). The court should consider factors including the merits of the matter, the complexity of the factual and legal issues presented, and the movant's ability to present the claims. Rucks v. Boergermann, 57 F.3d 978, 979 (10th Cir. 1995).

The form filled out by plaintiff requires the plaintiff to demonstrate diligence in attempting to secure an attorney, and asks her to contact at least five attorneys regarding legal representation (Doc. 4 at 1-3). Plaintiff left this form blank, indicating that she has not made any effort to secure an attorney to represent her in this case.

The court finds that good cause has not been shown for the appointment of counsel. Contrary to the explicit instructions on the form, plaintiff failed to contact any attorney in an attempt to secure an attorney to represent her in this case. Plaintiff should contact the Kansas Bar Association Lawyer Referral Service (1-800-928-9311; kanconnect@ksbar.org) to secure an attorney to represent her in this case.

IT IS THEREFORE ORDERED that the motion for appointment of counsel (Doc. 4) is denied.

A copy of this order will be mailed to plaintiff via regular mail.

Dated this 17th day of July 2018, Topeka, Kansas.

s/Sam A. Crow

Sam A. Crow, U.S. District Senior Judge