

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

ANGELENE HARDAWAY,	:	
LENA HARDAWAY,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	CASE NO. 3:16cv760 (RNC)
	:	
UNITED STATES OF AMERICA,	:	
et al.,	:	
	:	
Defendants.	:	

RULING ON MOTION FOR APPOINTMENT OF COUNSEL

Pending before the court is the plaintiffs' motion for appointment of pro bono counsel. (Doc. #9.) For the reasons set forth below, the motion is denied without prejudice.

The Second Circuit repeatedly has cautioned the district courts against the routine appointment of counsel. See, e.g., Hendricks v. Coughlin, 114 F.3d 390, 393 (2d Cir. 1997). Before an appointment is even considered, the indigent person must demonstrate that he is unable to obtain counsel or legal assistance on his own. See Hodge v. Police Officers, 802 F.2d 58, 61 (2d Cir. 1986).

The court also must consider whether the case has likely merit. Unlike a criminal case, a plaintiff in a civil case is not entitled to appointment of a free lawyer on request. See Cooper v. A. Sargenti Co., 877 F.2d 170 (2d Cir. 1989). Because volunteer-lawyer time is in short supply, a plaintiff seeking appointment of a free lawyer must demonstrate that his complaint passes the test of "likely merit." Id. at 173. In other words,

the plaintiff must show that the claims in the complaint have a sufficient basis to justify appointing a volunteer lawyer to pursue them.

No such showing has been made by the plaintiffs here. Nor is it self-evident from a review of the complaint that appointment of free counsel is warranted. The plaintiffs' motion for appointment of counsel (doc. #9) is denied without prejudice.

SO ORDERED this 30th day of November 2016, at Hartford, Connecticut.

\_\_\_\_\_/s/\_\_\_\_\_  
Donna F. Martinez  
United States Magistrate Judge