

United States Court of Appeals

District of Columbia Circuit
Washington, D.C. 20001-2866

MEMORANDUM CONCERNING APPOINTMENT OF COUNSEL

The procedures governing cases in which a party has been permitted to proceed on appeal in forma pauperis are described in Title 28 United States Code, Section 1915(e). That section provides:

- (1) The court may request an attorney to represent any person unable to afford counsel.
- (2) Notwithstanding any filing fee, or any portion thereof, that may have been paid, the court shall dismiss the case at any time if the court determines that-
 - (A) the allegation of poverty is untrue; or
 - (B) the action or appeal--
 - (i) is frivolous or malicious;
 - (ii) fails to state a claim on which relief may be granted; or
 - (iii) seeks monetary relief against a defendant who is immune from such relief.

Because you are proceeding in this case in forma pauperis, you may address a letter to this court asking the Court to appoint counsel to represent you. Although the Court ordinarily will not appoint counsel, it will give consideration to your request.

If you elect to avail yourself of the opportunity to request the Court to appoint an attorney for you, your request must be received in the Clerk's Office within fifteen (15) days from the date of the enclosed order setting the initial schedule.

Even if you request counsel, you must file the required documents by the date set in the order; respond to any dispositive motion filed by another party within the period required by the rules; and comply with any order issued by the court, including a briefing schedule. Failure to do so will result in the dismissal of your appeal for failure to prosecute. See D.C. Cir. Rule 38.