

AB

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
INFORMAL BRIEF

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U.S. COURT OF APPEALS  
FOURTH CIRCUIT

No. 18-1186, Latasha Holloway v. City of Virginia Beach  
2:18-cv-00069-AWA-RJK

**1. Declaration of Inmate Filing**

An inmate's notice of appeal is timely if it was deposited in the institution's internal mail system, with postage prepaid, on or before the last day for filing. Timely filing may be shown by:

- a postmark or date stamp showing that the notice of appeal was timely deposited in the institution's internal mail system, with postage prepaid, or
- a declaration of the inmate, under penalty of perjury, of the date on which the notice of appeal was deposited in the institution's internal mail system with postage prepaid. To include a declaration of inmate filing as part of your informal brief, complete and sign the declaration below:

Declaration of Inmate Filing	
Date NOTICE OF APPEAL deposited in institution's mail system: _____	
I am an inmate confined in an institution and deposited my notice of appeal in the institution's internal mail system. First-class postage was prepaid either by me or by the institution on my behalf.	
I declare under penalty of perjury that the foregoing is true and correct (see 28 U.S.C. § 1746; 18 U.S.C. § 1621).	
Signature: _____	Date: _____

**2. Jurisdiction**

Name of court or agency from which review is sought:

Date(s) of order or orders for which review is sought:

**3. Issues for Review**

Use the following spaces to set forth the facts and argument in support of the issues you wish the Court of Appeals to consider. The parties may cite case law, but citations are not required.

**Issue 1.** *See attachments. Whether the court abused its discretion in denying her request to assign or appoint counsel pursuant to 28 U.S.C. § 1915(d)(2)(i)*

**Supporting Facts and Argument.** *On December 13, 2017 Appellant proceeding pro se, filed a motion to assign or appoint counsel because she lacks financial ability to retain counsel and properly prepare for trial, and lacks legal expertise to prepare responsive pleadings, affidavits, briefs, discovery, designate expert witnesses and investigate expert witnesses and investigate the critical issues that are so complex that she can not reasonably be required to effectively present this case.*

*On November 20, 2017, Appellant her civil rights complaint against the Virginia Beach*

City Council alleging that the city's at large system dilutes or minimizes minority voting strength and equal opportunities to elect candidates of their choice in violation of Section 2 of the Voting Rights Act of 1965, as amended 42 U.S.C. § 1973 et. seq., 42 U.S.C. § 1983, the first, Fourteenth and Fifteenth amendments to the United States Constitution through adoption in 1906-1962 city charters of the at-large elections as a means to promote racially discriminatory objectives.

The court dismissed her request it appears without evaluation of the complexity of political discrimination as vote dilution alleged here was "exceptional!"

Appellant affirmatively demonstrated the merits of her claims in her complaint motion for appointment and motion to stay.

**Issue 2.** Whether the court abused its discretion in failing to advise her that it was necessary that she further demonstrate to the court the appointment of Counsel was justified.

**Supporting Facts and Argument.** On February 13, 2018, the Court denied her motion to assign or appoint counsel without prejudice.

On February 2, 2018 Appellant's case was transferred without her knowledge from the Richmond Division to the Norfolk Division and from November 20, 2017, until February 12, 2018, she was unaware any deficiency in her motion filed with the court.

**Issue 3.** Whether the court failed to consider the case will consist of conflicting testimony so as to require skill in the presentation of evidence and cross examination

**Supporting Facts and Argument.** Appellant affirmatively demonstrated in her motion for appointment and motion to stay counsel was justified to shorten trial or assist in a just determination.

She asserted that vote dilution alleged here, can be so detrimental to her political rights and others similarly situated constitutes an absolute ban on voting. *Reynolds v Sims*, 377 U.S. 533 (1964)

**Issue 4.** To deny lower courts ruling. The Court failed to evaluate the complexity of vote dilution in the above referenced matter.

**Supporting Facts and Argument**

Appellant affirmatively demonstrated in her filing before the court her case involved particularly complex factual legal issue. *Ferrer v. Garasimowicz*

**4. Relief Requested**

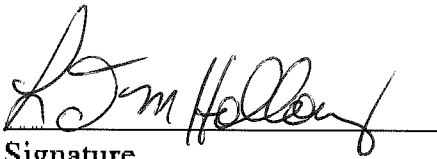
Identify the precise action you want the Court of Appeals to take:

Reverse and remanded with instruction to appoint counsel by published opinion.

**5. Prior appeals (for appellants only)**

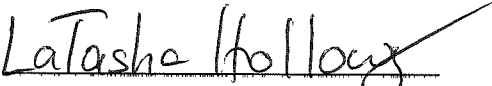
A. Have you filed other cases in this court? Yes [ ] No

B. If you checked YES, what are the case names and docket numbers for those appeals and what was the ultimate disposition of each?



Signature

[Notarization Not Required]

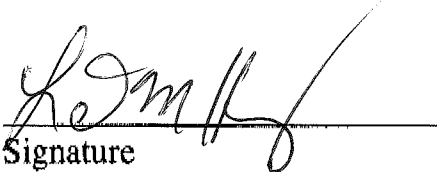


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**CERTIFICATE OF SERVICE**

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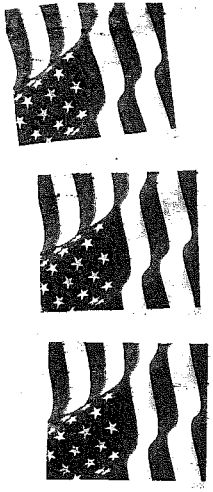
I certify that on March 13, 2018 I served a copy of this Informal Brief on all parties, addressed as shown below:



Signature

**NO STAPLES, TAPE OR BINDING PLEASE**

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