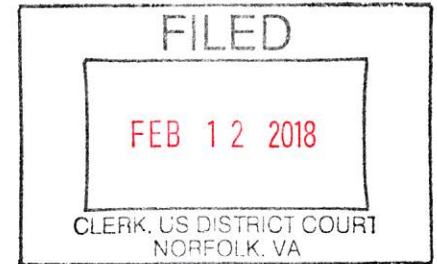


UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division



LATASHA HOLLOWAY,

Plaintiff,

v.

ACTION NO. 2:18cv69

CITY OF VIRGINIA BEACH, VIRGINIA,

Defendant.

ORDER

On November 20, 2017, Plaintiff Latasha Holloway (“Plaintiff”), appearing *pro se*, submitted an Application to Proceed in District Court Without Prepaying Fees or Costs (“IFP Application”)¹ and a proposed Complaint to the Richmond Division of this Court. IFP Appl., ECF No. 1. On December 13, 2017, Plaintiff filed a Motion for Appointment of Counsel. Mot. for Appointment of Counsel, ECF No. 2. On February 2, 2018, Plaintiff’s case was transferred from the Richmond Division to the Norfolk Division of this Court based on improper venue, and assigned to the undersigned. Mem. Order, ECF No. 3.

I. IFP Application

After a thorough review of the financial information set forth in Plaintiff’s IFP Application, the Court is satisfied that Plaintiff qualifies for *in forma pauperis* status. Accordingly, the Court **GRANTS** Plaintiff’s IFP Application, ECF No. 1, and the Clerk is **DIRECTED** to file Plaintiff’s Complaint. The Clerk is further **DIRECTED** to prepare a Notice of Lawsuit and Waiver of Service form for Defendant. A copy of the Complaint, this Order, the

¹ When a party proceeds in district court without prepaying fees or costs, it is said that the party is proceeding *in forma pauperis*. As such, the Court will refer to Plaintiff’s fee waiver application as an “IFP Application.”

Notice of Lawsuit, and two copies of the Waiver of Service form are to be sent to Defendant at the address provided by Plaintiff. If Defendant fails to waive service, the Clerk is **DIRECTED** to (i) issue summons, (ii) prepare a packet containing a summons, a copy of the Complaint, and this Order for Defendant, and (iii) deliver the packets to the United States Marshal, who is **DIRECTED** to serve the packet upon Defendant.

II. Motion for Appointment of Counsel

In her Motion for Appointment of Counsel, Plaintiff states that she seeks “to challenge the at-large system of electing the eleven members of the Virginia Beach City Council.” Mot. for Appointment of Counsel at 1, ECF No. 2. Plaintiff claims that “the City’s election structure dilutes the strength of ‘all people of color,’” and violates the “Voting Rights Act of 42 U.S.C. § 1973, 42 U.S.C. § 1983, the First, Fourteenth and Fifteenth Amendments to the U.S. Constitution.” *Id.* Plaintiff further claims that she “lack[s] the financial ability to retain counsel and properly prepare for trial,” and “lack[s] legal expertise to prepare responsive pleadings, affidavits, briefs, discovery, designate expert witnesses and investigate the critical issues that are so complex that [] she can not reasonably be required to effectively present this case.” *Id.*

In civil actions, “the appointment of counsel should be allowed only in exceptional cases.” *Cook v. Bounds*, 518 F.2d 779, 780 (4th Cir. 1975). “Exceptional cases” may be found in “meritorious cases involving particularly complex factual or legal issues.” *Ferrer v. Garasimowicz*, No. 1:13cv797, 2013 U.S. Dist. LEXIS 139939, at *3 (E.D. Va. Sept. 27, 2013). At this time, it is unclear to the Court whether appointment of counsel is justified in this action. Accordingly, Plaintiff’s Motion for Appointment of Counsel, ECF No. 2, is **DENIED** at this time without prejudice.

In addition to the instructions listed above, the Clerk is **DIRECTED** to send a copy of this Order to Plaintiff.

IT IS SO ORDERED.

Norfolk, Virginia

February 12th, 2018



Arenda L. Wright Allen
United States District Judge