

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

CLARENCE GANAWAY,
Plaintiff-Appellant,

v.

UNITED STATES,
Defendant-Appellee.

2013-5031

Appeal from the United States Court of Federal
Claims in No. 12-CV-0654, Judge Francis M. Allegra.

ON MOTION

PER CURIAM.

ORDER

Clarence Ganaway moves for reconsideration of the court's February 15, 2013 order dismissing his case for failure to pay the required docketing fee, and moves for leave to proceed in forma pauperis and for appointment of counsel. The United States opposes.

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Pursuant to 28 U.S.C. § 1915(e)(1), this court may appoint an attorney to represent a litigant in federal court, but there is no automatic right to appointment of counsel in a civil case; the authority is discretionary. *See Castro Romero v. Becken*, 256 F.3d 349, 353-54 (5th Cir. 2001). Under the circumstances presented here, we do not see the need to exercise this court's discretion to appoint counsel to Mr. Ganaway.

Accordingly,

IT IS ORDERED THAT:

(1) Ganaway is directed to complete and return the enclosed "Motion and Declaration for Leave to Proceed In Forma Pauperis" and "Supplemental In Forma Pauperis Form for Prisoners" forms. If Ganaway does not submit the enclosed forms within 30 days from the date of filing of this order his motion for reconsideration will be denied.

(2) Ganaway's request for appointment of counsel is denied.

FOR THE COURT

/s/ Daniel E. O'Toole
Daniel E. O'Toole
Clerk

cc: Clarence Ganaway (Federal Circuit Forms 6 and 6A enclosed)

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