

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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GAIL KING,

Petitioner,

v.

CITY OF MADISON,

Respondent.  
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ORDER

07-C-295-C

In this proposed civil action, petitioner alleges that respondent discriminated against her and failed to provide a reasonable accommodation for her disability, which she describes as “pregnancy and uncontrolled diabetes,” in violation of Title I of the Americans with Disabilities Act, 42 U.S.C. § 12112(a) and (b). She asks for leave to proceed without prepayment of fees and costs or providing security for such fees and costs, pursuant to 28 U.S.C. § 1915. However, it is not possible to tell from petitioner’s affidavit of indigency whether she qualifies to proceed in forma pauperis.

Petitioner says that she is married and has \$150 in a checking account and no money in a savings account. In the section of the form asking whether petitioner owns any real estate or other valuable property, petitioner reports that she owns a 1994 Toyota Camry.

She does not show that she owns a home, although in the section of the form in which petitioner is to list amounts she owes, she indicates she owes \$188,682 on a home mortgage. Although she indicates that her husband is making the mortgage payment, marital property in Wisconsin is owned jointly. If the equity in petitioner's home amounts to a substantial asset, petitioner will not qualify for indigent status. Therefore, I will delay a decision on petitioner's request for leave to proceed in forma pauperis until she supplements her affidavit of indigency with a statement advising the court of the value at which her house has been assessed.

In addition, I note that petitioner does not specify in her complaint the relief she is seeking from this court, other than to say that she wants the court to appoint a lawyer to represent her. Federal Rule of Civil Procedure 8(a) requires that all complaints contain "a demand for judgment for the relief the pleader seeks." Such relief might include monetary damages, injunctive relief or a declaration that respondent violated the law. A request for appointment of counsel may be the subject of a motion, but it does not suffice as relief required to be identified as a remedy for the wrongs alleged in the complaint. Therefore, when petitioner submits the supplement to her affidavit of indigency, she should submit an amendment to her complaint spelling out the relief she wants this court to give her if she proves that respondent violated her rights under federal law.

ORDER

IT IS ORDERED that a decision on petitioner's request for leave to proceed in forma pauperis in this action is STAYED until June 22, 2007, to allow petitioner to submit a supplemental statement to her affidavit of indigency in which she advises the court of the assessed value of her home, and an amended request for relief. If, by June 22, 2007, petitioner fails to submit the necessary supplemental financial statement or the required amended request for relief, her request for leave to proceed in forma pauperis will be denied and her action will be dismissed for failure to prosecute it.

Entered this 11th day of June, 2007.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge