

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
PENNSYLVANIA

Hadassah Feinberg, et al. v. Dauphin County Children and Youth, et
al.

Feinberg · No. 1:25-CV-768 · Decided November 25, 2025

SUMMARY

The United States District Court for the Middle District of Pennsylvania denied without prejudice Hadassah Feinberg’s request for appointment of counsel for her minor children and other remaining plaintiffs. The court held that appointment was premature because it had not yet determined whether the claims had arguable merit, particularly in light of pending motions to dismiss. The court also addressed unusual circumstances involving conflicts between the plaintiffs and their attorneys.

CASE DETAILS

COURT	United States District Court for the Middle District of Pennsylvania
WRITING FOR THE COURT	Martin C. Carlson
JURISDICTION	United States District Court for the Middle District of Pennsylvania
DECIDED	November 25, 2025
DOCKET	1:25-CV-768
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff Hadassah Feinberg requested appointment of counsel to represent her minor children and the remaining plaintiffs while multiple motions to dismiss were pending. The court denied the request without prejudice.
STANDARD OF REVIEW	Discretionary, case-by-case review of a request for appointment of counsel under 28 U.S.C. § 1915(e)(1).
PRECEDENTIAL VALUE	unpublished, nonprecedential district court memorandum and order
PARTIES	Hadassah Feinberg, et al. v. Dauphin County Children and Youth, et al.

TOPICS

civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the court should appoint counsel to represent the minor children and remaining plaintiffs under 28 U.S.C. § 1915(e)(1).
2. Whether appointment of counsel was appropriate before the court determined whether the plaintiffs' claims had arguable merit.

HOLDINGS

1. A district court has discretion to request counsel for an indigent civil litigant under 28 U.S.C. § 1915(e)(1), and the request must be evaluated case by case using the applicable merits and litigation-factor analysis.
2. Appointment of counsel was premature and was denied without prejudice because the court had not yet determined whether the plaintiffs' claims had arguable merit and was considering pending motions to dismiss.

KEY QUOTATIONS

“the court may request an attorney to represent any person unable to employ counsel.” (at 2)

“Volunteer lawyer time is a precious commodity. . . . Because this resource is available in only limited quantity, every assignment of a volunteer lawyer to an undeserving client deprives society of a volunteer lawyer available for a deserving cause. We cannot afford that waste.” (at 4)

“Appointment of counsel would be premature since we have not had the opportunity to fully consider the threshold factor we must examine: the arguable merits of the plaintiffs’ claims which are the subject of pending motions to dismiss.” (at 4)

FACTUAL BACKGROUND

Feinberg initially pursued the action pro se on behalf of herself and her children, then obtained counsel. Local counsel moved to withdraw after alleging a severe breakdown in the attorney-client relationship, including that Feinberg had procured co-counsel's imprisonment and had made accusations involving a conspiracy to assassinate then-former President Trump. Feinberg later sought appointment of counsel for the remaining plaintiffs while the viability of the claims and multiple motions to dismiss remained unresolved.

PROCEDURAL HISTORY

Feinberg initially proceeded pro se in her own name and in the names of her children, then obtained Florida and local counsel. Local counsel was granted leave to withdraw, and the court directed lead counsel to address a potential conflict or move to withdraw. While those issues remained pending and the court was considering motions to dismiss, Feinberg sought appointment of counsel for the remaining plaintiffs. The court denied appointment as premature because it had not yet determined whether the claims had arguable merit.

DISPOSITION

other

CASES CITED

- Parham v. Johnson, 126 F.3d 454, 456-57 (3d Cir. 1997)
- Tabron v. Grace, 6 F.3d 147, 153, 157-58 (3d Cir. 1993)
- Cooper v. A. Sargenti Co., 877 F.2d 170, 172 (2d Cir. 1989)

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