

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
DAKOTA, SOUTHERN DIVISION

Kara Lee Swier v. Unifi Aviation, LLC

Swier · No. 4:26-CV-4076-RAL · Decided June 16, 2026

SUMMARY

The United States District Court for the District of South Dakota denied Kara Lee Swier’s motions to appoint counsel in her pro se Title VII and Age Discrimination in Employment Act lawsuit against Unifi Aviation, LLC. The court found that Swier had demonstrated financial need and efforts to obtain counsel but appeared capable of pursuing her claims at that stage, and it provided guidance regarding service of process.

CASE DETAILS

COURT	United States District Court for the District of South Dakota, Southern Division
WRITING FOR THE COURT	Roberto A. Lange
JURISDICTION	United States District Court for the District of South Dakota, Southern Division
DECIDED	June 16, 2026
DOCKET	4:26-CV-4076-RAL
DISPOSITION	other
PROCEDURAL POSTURE	Pro se plaintiff in a Title VII and Age Discrimination in Employment Act action moved twice for appointment of counsel.
STANDARD OF REVIEW	The court applied the discretionary Title VII standard governing appointment of counsel, considering the merits of the claim, the plaintiff's efforts to obtain counsel, financial ability to retain counsel, and whether the litigation would benefit from counsel.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Kara Lee Swier v. Unifi Aviation, LLC

TOPICS

- civil procedure
- title vii
- age discrimination
- employment discrimination

PRACTICE AREAS

civil procedure

employment law

civil rights

QUESTIONS PRESENTED

1. Whether the court should appoint counsel for a pro se plaintiff pursuing Title VII and Age Discrimination in Employment Act claims.
2. Whether the plaintiff's financial need and efforts to obtain counsel, considered with the apparent merits and complexity of the claims, warranted appointment of counsel at that stage of the case.

HOLDINGS

1. Appointment of counsel under Title VII is discretionary, and the plaintiff's demonstrated financial need and efforts to obtain counsel did not warrant appointment at this stage because she appeared capable of pursuing her noncomplex claims pro se.
2. A pro se party is capable of arranging service, and Swier was directed to consider serving Unifi Aviation's registered agent in South Dakota under Federal Rule of Civil Procedure 4.

KEY QUOTATIONS

“Though Swier has no constitutional right to appointed counsel in this civil case, Title VII authorizes the Court to appoint counsel “in such circumstances as the court may deem just,””

“Although Swier has demonstrated financial need and efforts to obtain counsel, she appears presently capable of pursuing her claims pro se.”

FACTUAL BACKGROUND

Swier alleged that her former employer violated Title VII and the Age Discrimination in Employment Act by terminating her employment. She stated that she had contacted four law firms but had been unable to obtain counsel because of her poverty. The court found that her filings demonstrated an understanding of the legal process, that her claims did not appear complex, and that she appeared capable of investigating facts, identifying claims, and presenting them pro se.

PROCEDURAL HISTORY

Swier filed a pro se employment-discrimination lawsuit against her former employer and moved for appointment of counsel. The district court denied both motions without prejudice to considering appointment of counsel if an evidentiary hearing or trial later becomes necessary.

DISPOSITION

other

CASES CITED

- Stevens v. Redwing, 146 F.3d 538, 546 (8th Cir. 1998)
- Hale v. N. Little Rock Hous. Auth., 720 F.2d 996, 998 (8th Cir. 1983) (per curiam)
- Nelson v. Redfield Lithograph Printing, 728 F.2d 1003, 1005 (8th Cir. 1984)

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