

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PRECEDENTIAL VALUE	nonprecedential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)

OPINION

UNITED STATES DISTRICT COURT DISTRICT OF SOUTH DAKOTA SOUTHERN DIVISION KARA LEE SWIER, 4:26-CV-4076-RAL Plaintiff, ORDER DENYING MOTION TO APPOINT vs. COUNSEL UNIFI AVIATION, LLC, Defendant. Plaintiff Kara Lee Swier filed this pro se lawsuit alleging that her former employer, Unifi Aviation, LLC, violated Title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967.

Doc. 1. Swier has now moved twice to appoint counsel. Docs. 2, 8. Though Swier has no constitutional right to appointed counsel in this civil case, Stevens v. Redwing, 146 F.3d 538, 546 (8th Cir. 1998), Title VII authorizes the Court to appoint counsel “in such circumstances as the court may deem just,” 42 U.S.C. § 2000e-5(f)(1). Courts determining whether to appoint counsel under Title VII “consider the merits of the claim, the plaintiffs efforts to obtain counsel, and the plaintiffs financial ability to retain an attorney.” Hale v. N. Little Rock Hous.

Auth., 720 F.2d 996, 998 (8th Cir. 1983) (per curiam). Courts should also consider “whether the nature of the litigation is such that plaintiff as well as the court will benefit from the assistance of counsel.” Nelson v. Redfield Lithograph Printing, 728 F.2d 1003, 1005 (8th Cir. 1984). Swier’s Complaint arises from her termination from employment with Unifi Aviation.

Swier contends she has contacted four law firms in her search for counsel but has not been able to secure counsel because of her poverty. Doc. 2. She also writes that she cannot serve a summons on anyone until she receives legal advice. Doc. 8 at 2. Swier’s filings demonstrate an understanding of the legal process and the nature of the claims asserted in this action.

The nature of Swier’s claims does not appear complex, and she appears to have the ability to investigate relevant facts, identify her legal claims, and present those claims adequately. Although Swier has demonstrated financial need and efforts to obtain counsel, she appears presently capable of pursuing her claims pro se. Pro se parties are capable of arranging for service.

If an evidentiary hearing or trial becomes necessary, this Court may appoint counsel, but at this stage of the proceedings, her motions to appoint counsel, Docs. 2 and 8, are denied. The Clerk of Court issued a summons for Swier to serve. Every corporation doing business in South Dakota must have a registered agent, and that information concerning the identity of Unifi Aviation’s registered agent should be available on the South Dakota Secretary of State’s website.

Swier should reference Rule 4 of the Federal Rules of Civil Procedure and consider arranging service on the Defendant’s registered agent in South Dakota. Accordingly, it is ORDERED that

Swier's motions to appoint counsel, Docs. 2, 8, are denied. DATED _/6“of June, 2026. BY THE COURT: — CbwlMge ROBERTO A. LANGE CHIEF JUDGE

Retrieved from lawtools.ai · <https://lawtools.ai/cases/federal/united-states-district-court-for-the-district-of-south-dakot/2026/kara-lee-swier-v-unifi-aviation-llc-np4g6dlr>