

2001 WL 410291

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United States Court of Appeals, District of Columbia  
Circuit.

Bessye NEAL, et al., Appellees

v.

DISTRICT OF COLUMBIA, et al., Appellees  
Katherine Adora SAMUELS, Appellant

No. 99-7160.

|

March 21, 2001.

BEFORE: WILLIAMS, HENDERSON, and  
RANDOLPH, Circuit Judges.

*ORDER*

PER CURIAM.

\*1 Upon consideration of the motion for summary affirmance, the lodged response thereto (which includes a motion to govern future proceedings), and the lodged reply; appellant's motion for leave to file a response in excess of page limits; the motion for appointment of counsel; and the motion for leave to file a response in support of appellant's response, it is

ORDERED that the motion for appointment of counsel be denied. With the exception of defendants appealing or defending in criminal cases, appellants are not entitled to appointment of counsel when they have not demonstrated

sufficient likelihood of success on the merits. It is

FURTHER ORDERED that the motion to govern future proceedings, which requests that the case be held in abeyance pending district court action on appellant's motion for reconsideration of the district court's decision not to waive transcript costs, be denied. It is

FURTHER ORDERED that appellant's motion for leave to file a response in excess of page limits be granted. The Clerk is directed to file the lodged response and reply. It is

FURTHER ORDERED that the motion for leave to file a response in support of appellant's response, filed by James Clark, be denied. It is

FURTHER ORDERED that the motion for summary affirmance be granted. The merits of the parties' positions are so clear as to warrant summary action. *See Taxpayers Watchdog, Inc. v. Stanley*, 819 F.2d 294, 297 (D.C.Cir.1987) (per curiam); *Walker v. Washington*, 627 F.2d 541, 545 (D.C.Cir.) (per curiam), *cert. denied*, 449 U.S. 994 (1980). Appellant has not shown that the district court's order adopting the report and recommendation of the Special Master and approving the consent decree was an abuse of discretion. *See Thomas v. Albright*, 139 F.3d 227, 231 (D.C.Cir.1998); *Moore v. National Assoc. of Securities Dealers, Inc.*, 762 F.2d 1093, 1106 (D.C.Cir.1985).

The Clerk is directed to withhold issuance of the mandate herein until seven days after disposition of any timely petition for rehearing or petition for rehearing en banc. *See* Fed. R.App. P. 41(b); D.C.Cir. Rule 41.

**All Citations**

Not Reported in F.3d, 2001 WL 410291