

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

MARCAUREL A PIERRE,
Plaintiff,

vs.

Case No.: 3:23cv/24013/LAC/ZCB

COREY JOHNSON,
Defendant.

_____ /

ORDER

Plaintiff is an inmate of the Florida Department of Corrections proceeding *pro se* and *in forma pauperis* in this civil rights action. Plaintiff has previously requested the assistance of counsel to assist him in litigating this case. (Docs. 47, 55). The case is now being set for a settlement conference before Judge Stampelos in Tallahassee. (Doc. 63).

The Court ordinarily does not have authority to **require** an attorney to represent an indigent civil litigant. *See Maitland v. The United States District Court for the S.D. Iowa*, 490 U.S. 296, 301-02 (1989). The Court will, however, **request** that an attorney appear to represent Plaintiff under 28 U.S.C. § 1915(e)(1) to aid Plaintiff at the

settlement conference. Under this authority, the Court will direct the Clerk of Court to issue a notice to all attorneys registered with the Court's electronic filing system, inviting an attorney to voluntarily represent Plaintiff. **Plaintiff is advised, however, that this request does not guarantee him representation in this case; and he must continue to prosecute this case himself unless and until counsel appears on his behalf.**

Accordingly, the Clerk of Court is directed to issue a notice to all attorneys registered with the Court's electronic filing system, and publish on the Court's website, the notice soliciting a volunteer attorney set forth below. The notice must state:

This is a notice of an opportunity to provide *pro bono* representation in the case of *Pierre v. Johnson*, Case No. 3:23cv24013/LAC/ZCB.

Plaintiff is an inmate of the Florida Department of Corrections, currently housed at Jackson Correctional Institution. Plaintiff seeks relief under 42 U.S.C. § 1983 against a former corrections officer for allegedly closing the cell door food flap on Plaintiff's right hand and breaking three of Plaintiff's fingers. (Doc. 6). Plaintiff alleges Defendant refused to take him to medical for over two hours after the incident. He alleges that his right hand is now permanently

disfigured. Plaintiff seeks compensatory and punitive damages.

This case has been referred for a settlement conference before Judge Stampelos in Tallahassee. That conference is to occur before April 15, 2025. (Doc. 63).

Public funds are not available for the payment of attorney fees. But fees may be recoverable under applicable law if Plaintiff ultimately prevails. *See* 42 U.S.C. §1988(b); *Maher v. Gagne*, 488 U.S. 122, 128-29 (1980); *Maine v. Thiboutot*, 488 U.S. 1, 9-10 (1980). Limited funds are sometimes available from the District's Bench and Bar Fund for the payment of out-of-pocket expenses incurred by an attorney providing representation of this type.

Members of the District's bar will be afforded access to the electronic docket without charge for the purpose of considering whether to undertake the representation. An attorney who wishes to provide representation may contact the Clerk's office to obtain Plaintiff's contact information and may enter the case by filing a notice of appearance after obtaining Plaintiff's consent to the representation.

DONE AND ORDERED this 6th day of March 2025.

/s/ Zachary C. Bolitho

Zachary C. Bolitho
United States Magistrate Judge