

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
PANAMA CITY DIVISION**

WENDALL HALL,

Plaintiff,

v.

Case No. 5:19-cv-471-TKW/MJF

ANDREW MARTIN & KENNETH MAY,

Defendants.

_____ /

ORDER

This case is before this court upon Plaintiff's motion for appointment of counsel. (Doc. 40).

Because scheduling of a trial is imminent, among other considerations, the undersigned will direct the clerk of the court to electronically notify attorneys that they may seek to represent Plaintiff *pro bono*. It is possible that no attorney will volunteer to assist Plaintiff. Plaintiff, therefore, should continue to prosecute his case and continue to comply with all court orders.

Accordingly, it is **ORDERED**:

1. The clerk of the court shall issue a notice to all attorneys registered with the court's electronic filing system, and shall publish on the court's website, the notice soliciting a volunteer attorney set forth below. The notice shall state:

This is a notice of an opportunity to provide *pro bono* representation in the case of *Hall v. Martin & May*, Case No. 5:19-cv-471-TKW/MJF.

Plaintiff is a civil detainee at the Florida Civil Commitment Center in Arcadia, Florida. He alleges against two Defendants claims of excessive force, deliberate indifference to a serious medical need, and retaliation.

Plaintiff alleges that on March 28, 2019, Defendants repeatedly punched and hit him in his abdomen and placed him in confinement in retaliation for Plaintiff filing grievances to the Florida Department of Corrections. Plaintiff also alleges that Defendants denied Plaintiff use of his urinary catheters.

Public funds are not available for payment of attorney's fees. Fees may be recoverable under applicable law if Plaintiff ultimately prevails. *See* 42 U.S.C. § 1988(b); *World Outreach Conference Ctr. v. City of Chicago*, 234 F. Supp. 3d 904 (N.D. Ill. 2017). Limited funds sometimes are 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 Plaintiff directly and may enter the case by filing a notice of appearance.

2. Plaintiff's motion to appoint counsel (Doc. 40) is **DENIED** without prejudice.

SO ORDERED this 29th day of June, 2021.

/s/ Michael J. Frank

Michael J. Frank

United States Magistrate Judge