

UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT

CHAZ O. GULLEY
- Plaintiff

v.

PRISONER
CIVIL NO. 3:08-CV-492 (TPS)

JAMES DZURENDA ET AL.
- Defendants

RULING ON MOTION FOR APPOINTMENT OF COUNSEL

The plaintiff has filed a motion for appointment of *pro bono* counsel pursuant to 28 U.S.C. § 1915. The Second Circuit has clearly established that before the Court may even consider such an appointment, the indigent person must demonstrate that he is unable to obtain counsel. See Hodge v. Police Officers, 802 F.2d 58, 61 (2d Cir. 1986), cert. denied, 502 U.S. 996 (1991).

The plaintiff asserts that he is incarcerated and has no source of income and no money in his prisoner account. The plaintiff states that he was formerly represented by counsel, but counsel has since withdrawn. The plaintiff concedes that he has made no attempts to find a new attorney.

Since the plaintiff has not demonstrated that he is unable to secure legal assistance or representation on his own, the Motion for Appointment of Counsel [doc. #44] is **DENIED** without prejudice. Any renewal of this motion shall be accompanied by a summary of the plaintiff's attempts to secure legal assistance or representation

and the reasons why assistance was unavailable. **The Clerk is directed to send the plaintiff a copy of the Civil Pro Bono Panel - Public List with a copy of this ruling.**

IT IS SO ORDERED.

Dated at Hartford, Connecticut, this 25th day of February, 2010.

/s/ Thomas P. Smith
Thomas P. Smith
United States Magistrate Judge