

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

MARK ANTHONY JONES

V.

JAMES PLESSMAN, ET AL.

PRISONER
CASE NO. 3:10CV458 (JBA)

RULING ON MOTION FOR APPOINTMENT OF COUNSEL

Plaintiff is seeking an appointment of pro bono counsel pursuant to 28 U.S.C. § 1915(Dkt. #11), which motion has been referred to this Magistrate Judge. (Dkt. #12). The Second Circuit has made clear that before an appointment is even considered, 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).

Plaintiff asserts that he contacted one law firm in October 2009 and one attorney in March 2010, and both the law firm and the attorney declined to represent him. (Dkt. #11, at 4-5). Plaintiff also alleges that he wrote various other legal services organizations and law school clinics, but does not indicate whether he received responses to his letters. (Id. at 5). These undocumented attempts are insufficient to demonstrate that plaintiff is unable to secure legal representation on his own.

Plaintiff asserts that he contacted Attorney Kenneth Speyer of the Inmates' Legal Assistance Program in February 2009. (Id. at 4). Plaintiff contends, however, that Attorney Speyer will not

be able to assist him in the future because he has named Attorney Speyer as a defendant in this lawsuit. The court notes that Attorney Speyer was not named as a defendant in plaintiff's Amended Complaint. (Dkt. #10). Thus, it is not clear that Attorney Speyer or another attorney at the Inmates' Legal Assistance Program would be unavailable to answer questions about discovery issues, research legal issues and draft motions and memoranda.

The plaintiff has not demonstrated that he is unable to secure legal representation or assistance on his own. The Motion for Appointment of Counsel (Dkt. # 11) is **denied** without prejudice. Any renewal of this motion shall be accompanied by a summary of the plaintiff's attempts to secure legal assistance and the reasons why assistance was unavailable. **The Clerk is directed to send plaintiff a copy of a the Civil Pro Bono Panel - Public List with a copy of this ruling.**

SO ORDERED at New Haven, Connecticut, this 11th day of August, 2010.

/s/ Joan G. Margolis, USMJ
Joan G. Margolis
United States Magistrate Judge