

UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT

CEDRIC YOUNG

V.

PRISONER  
CASE NO. 3:10CV606 (CSH)

WAYNE CHOINSKI, ET AL.

**RULING ON PENDING MOTIONS**

Pending before the court is a motion for appointment of counsel and a motion for leave to amend. For the reasons set forth below, the motion to amend is granted and the motion for appointment of counsel is denied.

**I. Motion for Appointment of Counsel [doc. # 4]**

The plaintiff is seeking an appointment of pro bono counsel in this action. 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). In this instance, plaintiff states that he has made three attempts to find a lawyer. The plaintiff's three attempts to secure legal assistance in this matter are insufficient to demonstrate that he is unable to find counsel on his own. In addition, plaintiff does not indicate that he made any effort to contact the Inmates' Legal Assistance Program.

The possibility that the plaintiff may be able to secure counsel or legal assistance independently precludes appointment of counsel by the court at this time. Accordingly, the

plaintiff's motion for appointment of counsel denied without prejudice.

**II. Motion for Leave to Amend [doc. # 6]**

The plaintiff seeks leave to file an amended complaint to add new defendants. Under Rule 15(a) of the Federal Rules of Civil Procedure, a party may file an amended complaint once as of right before a responsive pleading is served. No responsive pleading having been filed by the defendants in this action, the plaintiff's motion for leave to amend is granted.

**Conclusion**

The Motion for Appointment of Counsel [doc. # 4] is **DENIED** without prejudice. Any renewal of this motion shall include the name and address of each attorney or legal organization contacted, the date on which counsel or the legal organization was contacted and the reasons why assistance was unavailable. The Motion for Leave to Amend [doc. # 6] is **GRANTED**. The Clerk shall docket the amended complaint.

SO ORDERED this 11<sup>th</sup> day of August, 2010, at Bridgeport, Connecticut.

\_\_\_\_\_/s/ Holly B. Fitzsimmons

Holly B. Fitzsimmons  
United States Magistrate Judge