

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

FILED

2010 NOV 10 P 3 31

NORBERTO RIVERA

v.

PRISONER
Case No. 3:10CV1324 (JCH)

CAPTAIN DOROZKO, ET AL.

RULING ON PENDING MOTIONS

Pending before the court are plaintiff's motions to amend and for appointment of counsel. For the reasons set forth below, the motions for counsel are denied and the motions to amend are granted.

I. Motions for Appointment of Counsel [Docs. Nos. 3, 9]

The plaintiff is seeking an appointment of *pro bono* counsel pursuant to 28 U.S.C. § 1915. 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).

The plaintiff asserts that he is incarcerated and has no source of income. Plaintiff states that he has no access to a list of attorneys or a telephone book to look up attorneys to contact about his case and has limited knowledge of the law. He does not indicate that he has made any attempts to contact any attorneys or the Inmates' Legal Assistance Program.

Because plaintiff has not demonstrated that he is unable to

secure legal assistance or representation on his own, the motions for appointment of counsel are denied without prejudice. Any renewed motion for appointment of counsel must be accompanied by a summary of plaintiff's attempts to secure legal assistance or representation and the reasons why assistance was unavailable.

II. Motions for Leave to Amend [Docs. Nos. 7, 8]

Plaintiff seeks leave to file an amended complaint to add two new defendants and new claim. No answer having been filed by the defendants, the motions for leave to amend are granted. The plaintiff did not attach a separate proposed amended complaint to either motion. Accordingly, the plaintiff is directed to file an amended complaint which includes all defendants against whom he seeks to assert claims; the nature of those claims, including the dates on which the alleged incidents occurred; the involvement of each defendant in the claims and a request for relief. **The amended complaint must include all defendants in the caption on the first page.**


Conclusion

The Motion for Appointment of Counsel [Docs. Nos. 3, 9] are **DENIED** without prejudice. The Motions for Leave to Amend [Docs Nos. 7, 8] are **GRANTED**. Within thirty days of the date of this order, plaintiff shall file an amended complaint which includes all defendants against whom he seeks to assert claims; the nature of those claims, including the dates on which the alleged

incidents occurred; the involvement of each defendant in the claims and a request for relief. **The amended complaint must include all defendants in the caption on the first page.**

If plaintiff fails to file an amended complaint within the time specified, the case will proceed only as the defendants named in the complaint. **The Clerk is directed to send plaintiff an amended complaint form and a copy of a the Civil Pro Bono Panel - Public List with a copy of this ruling.**

SO ORDERED this 9th day of November, 2010 at Bridgeport, Connecticut.



HOLLY B. FITZSIMMONS
UNITED STATES MAGISTRATE JUDGE