

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

NORBERTO RIVERA

v.

PRISONER
Case No. 3:10CV1324 (JCH)

CAPTAIN DOROZKO, ET AL.

RULING ON PENDING MOTIONS

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

I. Motion for Appointment of Counsel [Doc. No. 13]

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 limited access to a law library and limited knowledge of the law. He has made at least three attempts to secure legal representation on his own. He does not indicate, however, that he has made any attempt to contact the Inmates' Legal Assistance Program with regard to any questions he might have about litigating this case. The attorneys and paralegals at Inmates' Legal Assistance are available to answer questions about discovery issues, research legal issues and draft

motions and memoranda for prisoners. The plaintiff may contact the Inmates' Legal Assistance Program by mail at P.O. Box 260237, Hartford, CT 06126 and by telephone at 1-800-301-4527.

Because the plaintiff has not demonstrated that he is unable to secure legal assistance on his own, the motion for appointment of counsel is denied without prejudice. Any renewed motion for appointment of counsel must be accompanied by a summary of the plaintiff's attempts to secure legal assistance and the reasons why assistance was unavailable.

II. Motion for Leave to Amend [Doc. No. 14]

The plaintiff seeks leave to file an amended complaint to clarify his claims and submit exhibits in support of those claims. No answer having been filed by the defendants, the motion for leave to amend is granted.

Conclusion

The Motion for Appointment of Counsel [**Doc. No. 13**] is **DENIED** without prejudice. The Motion for Leave to Amend [**Doc No. 14**] is **GRANTED**. The Clerk is directed to docket the amended complaint attached to the motion to amend.

SO ORDERED this __15th__ day of April, 2011 at Bridgeport, Connecticut.

_____/s/_____
HOLLY B. FITZSIMMONS
UNITED STATES MAGISTRATE JUDGE