

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
PANAMA CITY DIVISION**

ARTAVIOUS BERNARD MALONE,

Plaintiff,

v.

Case No. 5:23-cv-74-MCR/MJF

SELENA WYNN,

Defendant.

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NOTICE OF PRO BONO OPPORTUNITY

This is notice of an opportunity to provide *pro bono* representation in the case of *Malone v. Wynn*, No. 5:23-cv-74-MCR/MJF.

Plaintiff is a prisoner in the custody of the Florida Department of Corrections. Plaintiff's original complaint is the operative complaint. Doc. 1.

Pursuant to 42 U.S.C. § 1983, Plaintiff is suing a correctional officer who worked at the Gulf Correctional Institution. Plaintiff claims Defendant used excessive force. Specifically, Plaintiff alleges that after he left his dormitory without authorization, a non-defendant correctional officer directed Plaintiff to return to his dorm for counseling with Defendant. When Plaintiff approached the dorm, Defendant sprayed chemical agents at Plaintiff. Plaintiff ran away from Defendant, and Defendant gave chase and continued to spray Plaintiff with chemical agents. Eventually, while Plaintiff was on the ground, Defendant continued to spray chemical agents at Plaintiff.

Public funds are not available for payment of attorney's fees. Fees may be recoverable under applicable law if Plaintiff prevails. *See* 42 U.S.C. § 1988(b); *World Outreach Conference Ctr. v. City of Chicago*, 234 F. Supp. 3d 904 (N.D. Ill. 2017). Limited funds sometimes are available from the District's Bench and Bar Fund for the payment of out-of-pocket expenses incurred by an attorney providing representation of this type.

Members of the District's bar will be afforded access to the electronic docket without charge for the purpose of considering whether to undertake the representation. An attorney who wishes to represent Plaintiff may contact him directly and may enter the case by filing a notice of appearance. Plaintiff currently is housed at the Florida State Prison.