

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

DIEGO C. MARTINEZ,
Plaintiff,

vs.

Case No.: 3:25cv216/AW/ZCB

ZAKARY LESLIE,
Defendant.

_____ /

ORDER

Plaintiff is an inmate of the Florida Department of Corrections proceeding *pro se* and *in forma pauperis* in this civil rights action. The Court held a status conference on November 14, 2025, (Doc. 30), to discuss Defendant's unopposed motion for a settlement conference (Doc. 29). At the status conference, the Court and parties discussed the possibility of attempting to obtain representation for Plaintiff for purposes of the settlement conference. Plaintiff stated he would like an attorney to represent him at the settlement conference.

Accordingly, the Court will direct the Clerk of Court to issue a notice to all attorneys registered with the Court's electronic filing system,

inviting an attorney to voluntarily represent Plaintiff. **Plaintiff is advised that this request does not guarantee him representation in this case; and he must continue to prosecute this case himself unless and until counsel appears on his behalf.**

The Clerk of Court is directed to issue a notice to all attorneys registered with the Court's electronic filing system, and publish on the Court's website, the notice soliciting a volunteer attorney set forth below.

The notice must state:

This is a notice of an opportunity to provide *pro bono* representation in the case of *Martinez v. Leslie.*, Case No. 3:25cv216/AW/ZCB for purposes of a settlement conference that will be scheduled in the immediate future.

Plaintiff is an inmate of the Florida Department of Corrections (FDOC), currently housed at Charlotte Correctional Institution. He predominately speaks Spanish. Plaintiff seeks relief under 42 U.S.C. § 1983 against a former FDOC officer for use of excessive force. (Doc. 10-1). Plaintiff alleges Defendant repeatedly struck him in the head while he was handcuffed. Plaintiff alleges he suffered scars to his head, partial blindness, and post-traumatic stress disorder because of the assault. Plaintiff also claims the Inspector General investigated the incident, which led to the criminal arrest, charging, and prosecution of Defendant. Plaintiff seeks compensatory and punitive damages.

The case is in the early stages. Defendant has appeared, but not yet answered. The parties, however, have requested a settlement conference before a U.S. Magistrate Judge. A settlement conference will be scheduled in the immediate future.

Public funds are not available for the payment of attorney fees. But fees may be recoverable under applicable law if Plaintiff ultimately prevails. *See* 42 U.S.C. §1988(b); *Maher v. Gagne*, 488 U.S. 122, 128-29 (1980); *Maine v. Thiboutot*, 488 U.S. 1, 9-10 (1980). Limited funds are sometimes 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 provide representation may contact the Clerk's office to obtain Plaintiff's contact information and may enter the case by filing a notice of appearance after obtaining Plaintiff's consent to the representation.

DONE AND ORDERED this 14th day of November 2025

/s/ Zachary C. Bolitho

Zachary C. Bolitho

United States Magistrate Judge