

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

JULIO RODRIGUEZ RUIZ,
Plaintiff,

vs.

Case No.: 3:24cv260/TKW/ZCB

BEAU ANTHONY ALDRIDGE,
Defendant.

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ORDER

Plaintiff is an inmate of the Florida Department of Corrections proceeding *pro se* and *in forma pauperis* in this civil rights action. He has filed a Motion to Appoint Counsel and a “Request to Invite a *Pro Bono* Attorney to Represent the Plaintiff.” (Docs. 9, 21).

Plaintiff has requested the assistance of counsel to assist him in litigating this case. (Docs. 9, 21). He states he is unskilled in the English language and has been relying on other inmates for assistance. (Doc. 21 at 1). He also states that this case is complex as it involves medical issues. (*Id.*).

The Court ordinarily does not have authority to **require** an attorney to represent an indigent civil litigant. *See Maitland v. The United States District Court for the S.D. Iowa*, 490 U.S. 296, 301-02 (1989). Thus, the Court will deny Plaintiff's motion to appoint counsel to the extent he is requesting that the Court order an attorney to represent him. The Court will, however, grant his **request** that an attorney appear to represent him under 28 U.S.C. § 1915(e)(1).¹ Under this authority, 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, however, 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.**

Accordingly, it is **ORDERED**: Plaintiff's Motion to Appoint Counsel (Doc. 9) is **DENIED**. But Plaintiff's "Request to Invite a *Pro Bono*

¹ The Court believes that this case merits the assistance of counsel because there may be an unsettled threshold legal issue, factual discovery will involve depositions of doctors and examination of medical records, and services of an expert may be desirable.

Attorney to Represent the Plaintiff” (Doc. 21) is **GRANTED**. 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 *Ruiz v. Aldridge.*, Case No. 3:24cv260/TKW/ZCB.

Plaintiff is an inmate of the Florida Department of Corrections, currently housed at Suwannee Correctional Institution. Plaintiff seeks relief under 42 U.S.C. § 1983 against a surgeon affiliated with a private hospital for alleged deliberate indifference to his need for effective surgery for an infected hernial mesh from January to November 2022. (Doc. 1). Plaintiff alleges he underwent three surgeries during that time, but none of them were effective. He alleges he suffered physical and emotional pain and suffering until a different surgeon performed effective surgery in August 2023. Plaintiff seeks nominal, compensatory, and punitive damages.

The case is in a very early stage. The Defendant has been served but has not yet appeared.

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 1st day of November 2024.

/s/ Zachary C. Bolitho

Zachary C. Bolitho

United States Magistrate Judge