

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

FRANCISCO CATALIN DELIU,

Plaintiff,

v.

Case No. 4:23-cv-156-MW/MJF

FLORIDA BOARD OF BAR
EXAMINERS, *et al.*,

Defendants.

_____ /

ORDER

This case is before this court upon Plaintiff's motion for aid, which this court construes as a motion for appointment of counsel. Doc. 51; Doc. 53.

The undersigned will direct the clerk of the court to electronically notify attorneys that they may seek to represent Plaintiff *pro bono*.¹ It is

¹ According to the *in forma pauperis* statute, “[t]he court may request an attorney to represent any person unable to afford counsel.” 28 U.S.C. § 1915(e)(1). The statute, however, does not allow the court to require or “appoint” an unwilling attorney to represent an indigent litigant. *Mallard v. U.S. Dist. Court for the S. Dist. of Iowa*, 490 U.S. 296, 340 (1989) (holding that 28 U.S.C. § 1915 does not authorize a federal court to require an unwilling attorney to represent an indigent litigant in a civil case; emphasizing that Congress used the word “request” in § 1915, not the word “assign” or “appoint”).

possible that no attorney will volunteer to assist Plaintiff. Plaintiff, therefore, should continue to prosecute his case and continue to comply with all court orders.

Accordingly, it is **ORDERED**:

1. The clerk of the court shall issue a notice to all attorneys registered with the court's electronic filing system and shall publish on the court's website the notice soliciting a volunteer attorney as set forth below. The notice shall state:

This is a notice of an opportunity to provide *pro bono* representation in the case of *Deliu v. Florida Board of Bar Examiners*, Case No. 4:23-cv-156-MW/MJF.

Plaintiff alleges the Florida Board of Bar Examiners violated the Fourteenth Amendment and Florida law when they suspended his application for admission to the Florida Bar.

Public funds are not available for payment of attorney's fees. Fees may be recoverable under applicable law if Plaintiff ultimately 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 provide representation may contact

Plaintiff directly and may enter the case by filing a notice of appearance.

2. In all other respects, Plaintiff's motion for aid, Doc. 51, is **DENIED** without prejudice.

SO ORDERED on April 9, 2025.

/s/ Michael J. Frank

Michael J. Frank
United States Magistrate Judge