

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

JOSEPH VERRIER,

Plaintiff,

v.

Case No. 4:21-cv-500-MW/MJF

MICHELLE RENO, *et al.*,

Defendants.

ORDER

Plaintiff has moved for the appointment of counsel. Doc. 90.

“The 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). The undersigned, therefore, will direct the clerk of the court to electronically notify attorneys that they may seek to represent Plaintiff *pro bono*. It is possible that no attorney will volunteer to assist Plaintiff, however. Plaintiff, therefore, should continue to prosecute his case and continue to comply with all court orders.

Accordingly, it is **ORDERED**:

1. Plaintiff's motion to appoint counsel is **GRANTED IN PART** and **DENIED IN PART** as set forth below.

2. 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 set forth below. The notice shall state:

This is a notice of an opportunity to provide *pro bono* representation of Plaintiff Joseph Verrier in the case of *Verrier v. Reno, et al.*, Case No. 4:21-cv-500-MW/MJF.

Plaintiff was convicted of a criminal offense. He later moved to Florida pursuant to the Interstate Compact for the Supervision of Adult Offenders. The Florida Department of Corrections imposed conditions of supervision on Plaintiff. Plaintiff asserts that these conditions violate the United States Constitution.

The discovery process has concluded and no dispositive motions were filed. Thus, a trial likely will be scheduled. Plaintiff would benefit from the assistance of counsel to try his case.

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.

SO ORDERED this 11th day of July, 2024.

/s/ Michael J. Frank

Michael J. Frank

United States Magistrate Judge