

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

JOSEPH MALDONADO,
Plaintiff,

vs.

Case No.: 3:22cv18229/TKW/ZCB

VINCE JOHNSON,
Defendant.

_____ /

ORDER

Defendant is currently proceeding *pro se* in this 28 U.S.C. § 1338 copyright infringement case. On September 21, 2023, the Court held a telephonic hearing to discuss matters currently pending in this case. (*See* Doc. 76). During that hearing, Defendant verbally expressed a desire to be appointed counsel in this case due to his indigency. This case is currently in the discovery phase and will be scheduled for a telephonic settlement conference in the near future.

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 is unable to order an attorney to represent Defendant. The Court will, however, **request** that an attorney appear to represent Defendant under 28 U.S.C. § 1915(e)(1) (“The court

may request an attorney to represent any person unable to afford counsel.”). 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 Defendant. **Defendant is advised, however, that this request does not guarantee him representation in this case; and he must continue to defend this case himself unless and until counsel appears on his behalf.**

Accordingly, it is **ORDERED** that 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 *Maldonado v. Johnson*, Case No. 3:22-cv-18229-TKW-ZCB.

Plaintiff, professionally known as “Joe Exotic” and “Tiger King,” claims that Defendant Johnson “knowingly and maliciously claimed ownership of, misused, published, disseminated, performed, sold and profited from musical compositions that contractually belong to” Plaintiff, among other claims. (*See* Doc. 39 at 10). Defendant Johnson is the sole Defendant in this case, and the case is currently in the discovery stage. Dispositive motions have not yet been filed. A telephonic settlement conference will be scheduled in the near future.

Public funds are not available for the payment of attorney fees. 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 Defendant's contact information and may enter the case by filing a notice of appearance after obtaining consent of the Defendant to the representation.

DONE AND ORDERED this 21st day of September 2023.

/s/ Zachary C. Bolitho

Zachary C. Bolitho

United States Magistrate Judge