

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION

SAMUEL W. DRINKARD,

Plaintiff,

v.

Case No: 5:21-cv-220-JLB-PRL

MARK INCH, FNU PHILLIPS, JOHN
DOE, A RODRIGUEZ, FNU
SANTIAGO, JOHN DOE and JANE
DOE,

Defendants.

ORDER

Plaintiff, *pro se*, initiated this case by filing a Civil Rights complaint. ([Doc. 1](#)). Pending before the Court is Plaintiff's Motion for appointment of counsel. ([Doc. 4](#)). While a plaintiff in a civil case has no constitutional right to counsel, "a court may request an attorney to represent any person unable to afford counsel," subject to the Court's discretion. [28 U.S.C §1915\(e\)\(1\)](#); *Bass v. Perrin*, [170 F.3d 1312](#) (11th Cir. 1999). Here, in light of the Court's discretion to seek counsel, it will make efforts to secure representation for Plaintiff. Plaintiff's motion ([Doc. 4](#)) is **GRANTED** to the extent described in this Order.

It is hereby requested that a designated **Deputy Clerk of this Court** make efforts to seek counsel to represent Plaintiff from available sources of attorneys interested in handling *pro bono* opportunities. The **Deputy Clerk** is directed to contact any of our local bar associations¹ to discuss the possibility of posting the request to assist this *pro se* litigant. The

¹ These include, but are not limited to: the Marion County Bar Association; Sumter County Bar Association; Citrus County Bar Association; Lake County Bar Association; Alachua County Bar Association; Federal Bar Association (North Central Florida, Orlando, and Tampa Bay chapters); and

correspondence shall include the case number, a copy of this order, and the following brief factual summary:

Plaintiff alleges that on January 29, 2019, while incarcerated at Lake Correctional Institution, he was beaten by five correctional officers while fully restrained in handcuffs and shackles. Plaintiff suffered a broken rib, possible fractures to the ocular bones or ocular orbital floor in his right eye, a 1.5 inch laceration above his left eye, an injured lip, and severe bruising and abrasions to his knees and thighs. He was denied adequate medical treatment, only given a bandage and no additional treatment measures before being sent back to his cell. Plaintiff visited his psychiatrist the following day, who wrote an incident report and referred Plaintiff for treatment for his injuries. Subsequent x-rays confirmed a broken rib and possible fracture around his eye. He was transferred to another prison on February 8, 2019, and his injuries that were still visible were photographed. Plaintiff seeks declaratory and injunctive relief as well monetary damages.

The correspondence should also state that pursuant to the Ocala Division Civil Pro Bono Appointment Program, the appointed attorney is permitted to be reimbursed for certain costs incurred during the representation. Information regarding allowable costs and the procedure for obtaining reimbursement is available on the Court's website, www.flmd.uscourts.gov.

The **Deputy Clerk** shall note on the docket which bar associations were contacted, by what means, and on what date. The correspondence should be sent no **later than 5 DAYS from the date of this Order**.

If counsel wishes to represent Plaintiff, he or she should contact the Deputy Clerk to notify them of his or her intent **within 30 DAYS of the date of this Order**, and the Deputy Clerk will notify the undersigned. Upon consent of the Plaintiff, the appointed counsel shall enter of notice of appearance. If no counsel enters an appearance on behalf of Plaintiff within 60 days of the date of this Order, the case will proceed without counsel for Plaintiff.

Florida Institutional Legal Services.

Plaintiff must be aware that there is no guarantee that an attorney will agree to take his case and represent him.

IT IS SO ORDERED.

DONE AND ORDERED at Ocala, Florida, this 14th day of July 2021.



PHILIP R. LAMMENS
United States Magistrate Judge

Copies to: *Pro Se* Plaintiff
Deputy Clerk