

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION**

JOSE RIVERA,

Plaintiff,

v.

Case No: 5:15-cv-317-Oc-37PRL

**RUBEN LEBRON, TODD BRASFIELD
and ADRIAN BILLINGS**

Defendants.

ORDER

Plaintiff, proceeding *pro se*, initiated this case by filing a Civil Rights Complaint. (Doc. 1). On June 1, 2018, an Order was entered granting Defendants LeBron, Billings, and Brasfield's Motion to Dismiss, or Alternatively, Motion for Summary Judgment. (Doc. 59).¹ Subsequently, the Eleventh Circuit reversed the dismissal of the excessive force claims Plaintiff filed against Defendants LeBron, Billings, and Brasfield that arose out of a takedown of Plaintiff while incarcerated. (Doc. 71).

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 Eleventh Circuit's reversal, it will make efforts to secure representation for Plaintiff.

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*

¹ On February 3, 2017, an Order was entered dismissing three defendants: Jarvis, John Doe and United States of America. (Doc. 30).

opportunities. The **Deputy Clerk** is directed to contact any of our local bar associations² to discuss the possibility of posting the request to assist this *pro se* litigant. The correspondence shall include the case number, a copy of this order, and the following brief factual summary:

Plaintiff has filed a complaint pursuant to *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971) alleging constitutional violations arising from events occurring during his incarceration at FCC Coleman USP I. Plaintiff claims Defendants LeBron, Billings, and Brasfield violated his Eighth Amendment rights during an encounter after he was observed to have possibly received some form of contraband from a female visitor. The remaining issue is whether Defendants LeBron, Billings, and Brasfield used excessive force during this encounter.

The correspondence should also state that pursuant to the Ocala Division Civil Pro Bono Appointment Program, the appointment 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 a 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.

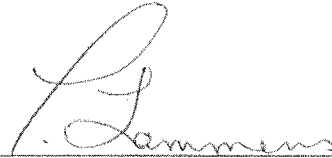
Plaintiff must be aware that there is no guarantee that an attorney will agree to take

² 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; and area chapters of the Federal Bar Association (e.g., North Central Florida, Jacksonville, Orlando, and Tampa Bay chapters).

his case and represent him.

IT IS SO ORDERED.

DONE AND ORDERED at Ocala, Florida, this 7th day of January
2021.

A handwritten signature in cursive script, appearing to read "P. Lammens", written over a horizontal line.

PHILIP R. LAMMENS
United States Magistrate Judge

Copies to: *Pro Se* Plaintiff
Counsel of Record
Deputy Clerk