

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

KEITH W. LEFLORE, SR.,)	
)	
Plaintiff,)	
)	
v.)	Case No. 16 C 5193
)	
DR. ARTHUR FUNK. et al.,)	
)	
Defendants.)	

MEMORANDUM ORDER

Keith LeFlore, Sr. ("LeFlore") has just used the Clerk's-Office-supplied form of "Complaint of the Civil Rights Act, Title 42 Section 1983" ("Complaint") to file suit against Dr. Arthur Funk and the Illinois Department of Corrections, charging Dr. Funk with (1) failing to provide LeFlore last December (while he was in custody at the Stateville Correctional Center) with necessary medical care for what LeFlore asserts was a stroke (a claimed Eighth Amendment violation under Estelle v. Gamble, 429 U.S. 97(1976) and its progeny) and (2) having hit on LeFlore physically (a claimed Fourth Amendment violation) when the doctor was supposed to be taking care of those medical needs. LeFlore has accompanied his Complaint with two other Clerk's-Office-supplied forms: an In Forma Pauperis Application ("Application") and a Motion for Attorney Representation ("Motion").

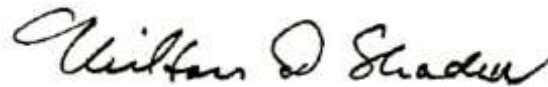
To begin with, because LeFlore is no longer in custody, the special provisions of 28 U.S.C. § 1915 ("Section 1915") applicable to prisoner plaintiffs do not apply to this lawsuit. And because the Application clearly reflects that LeFlore is unable to pay the filing fee or bear the cost of legal representation on his own, the Application is granted and the case will go forward.

As for the Motion, LeFlore has advanced a reasonably sufficient showing of having made an effort to obtain counsel on his own, thus complying with our Court of Appeals' requirement for such efforts before a designation of counsel from this District Court's trial bar to represent him may be considered. Accordingly the Motion is also granted, and this Court has obtained the name of the following trial bar member to represent LeFlore:

Dean B. Chalmers, Esq.
Chalmers and Nagel, P.C.
100 West Kinzie, Suite 250
Chicago, Illinois 60654
Phone: 312-346-0880
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As for the substance of LeFlore's claims, however, the Eleventh Amendment precludes this federal court action against the Illinois Department of Corrections, and this Court sua sponte dismisses it as a defendant. No view is expressed here as to the actual viability of LeFlore's claims against Dr. Funk, as to which LeFlore's allegations must be treated as true for present purposes.

Accordingly this Court is contemporaneously issuing its customary initial scheduling order, and attorney Chalmers is expected in advance of the initial status hearing date (1) to confer with LeFlore, (2) to arrange for the service of process by the United States Marshals Service (see Section 1915(d)) and (3) to determine whether the case should proceed on the basis of LeFlore's original Complaint or via an Amended Complaint.



Milton I. Shadur
Senior United States District Judge

Date: May 19, 2016