

-PS-O-

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

RONALD DAVIDSON,

Plaintiff,

-v-

M.D. UDAY K. DESAI, et al.,

Defendants.

DECISION and ORDER
03-CV-121S

Plaintiff, Ronald Davidson, who is proceeding *pro se* and *in forma pauperis*, and is seeking relief under 42 U.S.C. § 1983, has previously requested the appointment of counsel pursuant to 28 U.S.C. § 1915(e)(1). This Court is required to see that all litigants receive proper representation of counsel under the criteria set forth in *Cooper v. A. Sargenti Co.*, 877 F.2d 170 (2d Cir. 1989) and *Hodge v. Police Officers*, 802 F.2d 58 (2d Cir. 1986). In addition, courts have the inherent authority to assign counsel to represent private indigent litigants. See *In re Smiley*, 36 N.Y.2d 433, 438 (1975).

Additionally, each lawyer — especially those who are admitted to practice in federal court and who therefore are in a position to reap the benefits of such practice — has a professional obligation to provide *pro bono* services for the poor. See New York Rules of Professional Conduct, Rule 6.1. In addition, Rule 83.1(f) of the Local Rules of Civil Procedure provides as follows:

Every member of the bar of this Court who maintains, or whose firm maintains, an office in this District, shall be available upon the Court's request for appointment to represent or assist in the representation of indigent parties. Appointments under this Rule shall be made in a manner such

that no Member shall be requested to accept more than one appointment during any twelve-month period.

It is in this spirit that the Court assigns Michael A. Brady, Esq. of Hagerty & Brady, 69 Delaware Avenue, Suite 1010, Buffalo, NY 14202, *pro bono*, to faithfully and diligently represent plaintiff in this case.

The Clerk of Court is directed to copy that portion of the file in this matter that is not currently available through PACER on the Court's Case Management/Electronic Case Management System (Docket Nos. 1-7) and send it to Michael A. Brady, together with a copy of this order and the Guidelines Governing Reimbursement from the District Court Fund of Expenses Incurred by Court Appointed Counsel.¹ The undersigned will also issue an Order directing PACER to waive its fees so *pro bono* counsel can access and print at no cost to him or his firm any other documents filed herein that he may need. The status conference scheduled for February 13, 2012, is CANCELLED and plaintiff's attorney is directed to contact the Court by **February 21, 2012**, to request a new date for the status conference to discuss further proceedings in the case.

SO ORDERED.

Dated: February 8, 2012
Buffalo, New York

s/William M. Skretny
WILLIAM M. SKRETNY
Chief Judge
United States District Court

¹This information and the forms are also available on the Court's web site at the Attorney Information link from the home page located at: <http://www.nywd.uscourts.gov/document/fundreimbvoweb.pdf>.