

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

DAVID S.L. PARKS

v.

COMMISSIONER LANTZ, ET AL.

PRISONER

Case No. 3:09CV604 (MRK)

RULING AND ORDER

Pending before the court is the plaintiff's motion for leave to file a first amended complaint and a motion for appointment of counsel. The Second Circuit has made clear that before an appointment is even considered, the indigent person must demonstrate that he is unable to obtain counsel. See Hodge v. Police Officers, 802 F.2d 58, 61 (2d Cir. 1986), cert. denied, 502 U.S. 996 (1991). In this instance, the plaintiff does not indicate even one attempt made in finding legal representation on his own. The possibility that the plaintiff may be able to secure counsel or legal assistance independently precludes appointment of counsel by the court at this time. The Motion for Appointment of Counsel [**doc. # 3**] is **DENIED** without prejudice.

Plaintiff seeks to file an amended complaint to add two individuals as defendants. No answer having been filed by the defendants, the motion for leave to amend [**doc. # 8**] is **GRANTED**.

The plaintiff did not attach a separate proposed amended complaint to his motion. Plaintiff did, however, send a large stack of documents, some of which pertain to a civil case filed by plaintiff in state court and also a civil case filed by another inmate, Harold Butler, in state court. It is unclear whether plaintiff intended that these documents be included as exhibits to his complaint or an amended complaint. Accordingly, the court directs the plaintiff **to file an amended complaint on or before June 12, 2009. The Clerk is directed to send the plaintiff an amended complaint form and a copy of his original complaint and to return the stack of documents submitted by plaintiff.** If plaintiff seeks to submit exhibits in support of the allegations in the amended complaint, he should attach those exhibits to the amended complaint and specifically mark them as exhibits.

SO ORDERED this 29th day of May, 2009, at Bridgeport, Connecticut.

/s/ William I. Garfinkel
WILLIAM I. GARFINKEL
UNITED STATES MAGISTRATE JUDGE