

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

JAMES A. WILSON,)
Plaintiff,)
v.) Civ. No. 13-1763-GMS
DETECTIVE JORDEN MILLER, et al.,)
Defendants.)

MEMORANDUM

1. Introduction. The plaintiff James A. Wilson (“Wilson”), an inmate at the James T. Vaughn Correctional Center (“VCC”), Smyrna, Delaware, filed this lawsuit pursuant to 42 U.S.C. § 1983. He proceeds *pro se* and has paid the filing fee. (See D.I. 1.)

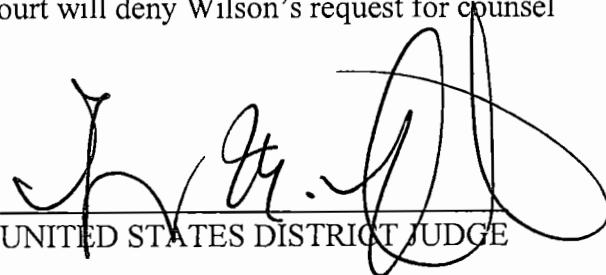
2. Background. Wilson requests counsel on the grounds that he needs assistance to amend his complaint because he has been unable able to visit the prison law library since the February 1, 2017 VCC hostage incident. He notes that he has paid the filing fee and “this is not an *in forma pauperis* case.” (D.I. 33.) Wilson was sent a deficiency notice when he filed the request for counsel without participating in the VCC e-filing pilot program. (D.I. 35.) He states that he does not have access to the e-mail system and wants to use the regular mail.

3. **Request for Counsel.** Pursuant to 28 U.S.C. § 1915(e)(1), the court may request an attorney to represent any person unable to afford counsel. Section 1915(e)(1) confers the district court with the power to request that counsel represent a litigant who is proceeding in *forma pauperis*. To date, Wilson has not sought *in forma pauperis* status and there has been no finding of indigency. Hence, he does not qualify for counsel under § 1915. Therefore, the court will deny the request without prejudice to renew upon a finding of Wilson's indigency. (D.I. 33.)

4. **E-Filing Pilot Program.** The VCC participates in an e-filing pilot program with the court, *see* September 8, 2016 standing order, *In re: Pilot Program for E-Filing Documents in the District of Delaware by Inmates at the James T. Vaughn Correctional Center*, and inmate participation is mandatory. The program was initiated to reduce the costs of filings by inmates which includes an inmate's mailing and photocopying costs. In no way does the e-filing pilot program deny inmates access to the courts. When inmates do not follow the mandates of the e-filing program, they are sent a deficiency notice and advised that the non-conforming document will be docketed but not considered until the deficiency is corrected. Plaintiff was sent a deficiency notice after he sent items for filing through the regular mail.

5. Here, Wilson indicates that he does not wish to participate in the pilot program. The program is for the benefit of inmates as well as the court. The court encourages Wilson's participation in the program and notes that, since the hostage incident, other inmates at the VCC have successfully participated in the e-filing pilot program and filed documents. The court will entertain future motions should plaintiff continue to have concerns regarding his participation in the e-filing pilot program.

6. **Conclusion.** For the above reasons, the court will deny Wilson's request for counsel (D.I. 33.) An appropriate order will be entered.



UNITED STATES DISTRICT JUDGE

April 24, 2017
Wilmington, Delaware