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

LYNN T. AUSTRHEIM,)	
)	
Plaintiff,)	
)	
v.)	No. 10 C 428
)	
ALEXIAN BROTHERS BEHAVIORAL)	
HEALTH HOSPITAL, et al.,)	
)	
Defendants.)	

MEMORANDUM ORDER

Lynn Austrheim ("Austrheim") has filed a Complaint of Employment Discrimination against Alexian Brothers Behavioral Health Hospital ("Alexian"),¹ asserting that Austrheim's inability to obtain employment with Alexian over a span of more than seven years constituted actionable employment discrimination. Austrheim has accompanied his Complaint (which has utilized the form provided by this District Court's Clerk's Office for use by pro se plaintiffs) with two other Clerk's-Office-provided forms: an In Forma Pauperis Application ("Application") and a Motion for Appointment of Counsel ("Motion"). This memorandum order, which is being issued contemporaneously with this Court's customary initial scheduling order, is issued sua sponte to address the Application, the Motion and one facet of the Complaint itself.

¹ Austrheim has also included Alexian's CEO Mark Frey in the case caption and in the Complaint ¶3 defendant designation. But because Frey is not the "employer" under the federal statutory provisions, that designation will be disregarded here.

As for the Application, Austrheim has demonstrated his inability to pay the expenses of proceeding--even the \$350 filing fee. Accordingly the Application is granted.

As to the Motion, it reflects that Austrheim has (as is required) made a number of unsuccessful efforts to obtain a lawyer on his own. Although this Court expresses no substantive views as to Austrheim's claim of employment discrimination except as stated in the next paragraph, it is clear in all events that not only Austrheim but also Alexian and this Court will be better served if Austrheim does not have to go it alone. Accordingly this Court grants the Motion and has obtained the name of the following member of this District Court's trial bar, who is appointed to represent Austrheim pro bono publico:

Joseph P. Roddy, Esq.
Freeborn & Peters
311 South Wacker Drive - Suite 3000
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Finally as to the Complaint itself, this Court expresses no substantive views with one important exception. Both Complaint ¶6 (which alleges Alexian's discrimination going back to September 9, 2003) and Austrheim's administrative Charge of Discrimination (which places the start date of the alleged discrimination at January 1, 1981) clearly cover periods outlawed by the statutory 300-day rule. But this Court will not attempt to reshape Austrheim's Complaint to fit within the legal

requirements--that remains for the future.

A handwritten signature in cursive script, reading "Milton I. Shadur".

Milton I. Shadur
Senior United States District Judge

Date: January 26, 2010