

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

DAVID KLEIN,)
Plaintiff,)
v.) Case No. 16 C 8818
WEXFORD HEALTH SOURCE, INC.,)
et al.,)
Defendants.)

MEMORANDUM OPINION AND ORDER

Pro se prisoner plaintiff David Klein ("Klein") has filed a detailed Complaint against Wexford Health Source, Inc. ("Wexford") and three Wexford-affiliated doctors, charging them with truly shockingly egregious deliberate indifference to his serious medical needs, readily qualifying as a constitutional deprivation governed by the seminal decision in Estelle v. Gamble, 429 U.S. 97 (1976). Klein has accompanied his Complaint with another self-prepared document, a Motion for Appointment of Counsel ("Motion"), but he has not accompanied those documents with an In Forma Pauperis Application ("Application") on the form supplied by the Clerk's Office for use by prisoner plaintiffs as called for by 28 U.S.C. § 1915.¹

In that respect nonlawyer Klein has included in his self-prepared claim for relief a prayer that this Court "Order the Defendant to pay filing fees," an indicium of his own inability to do so. Accordingly this Court is transmitting three copies of the Application form to him together with a copy of this memorandum order, so that he may fill out and return two counterparts of the form

¹ All further references to Title 28's provisions will simply take the form "Section --," omitting the prefatory "28 U.S.C. §."

while retaining the third for himself. As the form reflects, it should be returned together with a printout reflecting all transactions in his trust fund account at Hill during the period from March 1 through September 9, 2016. That will enable this Court to carry out its responsibilities as to payment of the filing fee in future installments pursuant to Section 1915. Lastly, Klein should accompany his submission of those additional documents with an identification of this case name and number: Klein v. Wexford Health Source, Inc., et al., 16 C 8818.

As for the location of this action, although Complaint ¶ 1 alleges that since sometime in 2014 Klein has been in custody at the Henry Hill Correctional Center ("Hill") in Galesburg, which is in the Central District of Illinois, a substantial part of the complained-of conduct on the part of the charged defendants occurred during his pre-Hill confinement at Stateville Correctional Center in this Northern District of Illinois, so that it would appear that this District is an appropriate situs under the venue provision of Section 1391(b)(2). If it were to develop that the Central District is a better candidate for this lawsuit under Section 1404(a), transfer to that venue could be ordered. But in the interim, if Klein's allegations are to be credited (as they must be for present purposes), the circumstances that he alleges call for prompt attention rather than delay.

In the meantime this Court grants the Motion, for the Complaint readily meets the "plausibility" requirement of the Twombly-Iqbal canon, and it has obtained the name of this member of the District Court trial bar to represent Klein:

Phillip L Risley, Esq.
Risley Law Firm
203 North LaSalle Street, Suite 2100
Chicago, Illinois 60601
Telephone: 312-501-1600
Fax: 888-883-9472
Email: philrisley@gmail.com.

Attorney Risley is ordered (1) to communicate with Klein promptly, (2) to cause process to be served on defendants (for which purpose he may either call on the Marshals Service or make other arrangements for which he can seek reimbursement from the court funds that are available to designated counsel for prisoner plaintiffs, (3) to consider whether to go forward with Klein's pro se Complaint or whether an Amended Complaint is needed and (4) to attend the initial status hearing provided for in the scheduling order that is being issued contemporaneously with this memorandum order.



Milton I. Shadur
Senior United States District Judge

Date: September 16, 2016