

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

KENDRICK HAYDEN,)	
)	
Plaintiff,)	
)	
v.)	Case No. 17 C 3583
)	
CITY OF CHICAGO, et al.,)	
)	
Defendants.)	

MEMORANDUM OPINION AND ORDER

Pro se prisoner plaintiff Kendrick Hayden ("Hayden") has used a Clerk's-Office-supplied form "Amended Complaint"¹ to sue the City of Chicago and two of its police officers for alleged violations of his federal constitutional rights, actionable under 42 U.S.C. § 1983 ("Section 1983"), coupled with state law claims within this Court's supplemental jurisdiction. Hayden has accompanied his Complaint with two other Clerk's-Office-supplied forms: an In Forma Pauperis Application ("Application") and a Motion for Attorney Representation ("Motion").

As always with prisoner-instituted litigation, this Court turns first to its responsibilities under 28 U.S.C. § 1915 ("Section 1915").² During the six-month period made relevant by that

¹ Hayden's choice of that form is puzzling because the filed document bears a "Dkt. No. 1" printout -- it plainly amends nothing. That mistake will simply be ignored here.

² In that respect the Houston v. Lack, 487 U.S. 266 (1988) establishment of the "mailbox rule" as the date of "filing" of a prisoner complaint makes it literally impossible for the printout of transactions in the prisoner's trust fund account to cover the entire "6-month period immediately preceding the filing," because the time lag between (1) the prisoner's request for the printout and (2) the institution's delivery to him, plus any added delays in the prisoner's completion of his papers for filing, means that the end of the designated six-month period is invariably lacking from the printout. As always, one of this Court's law clerks has obtained the
(continued)

section the average monthly deposits to his trust fund account (Section 1915(b)(1)(A)) amounted to \$206.17, 20% of which (id.) is \$41.23. Accordingly Hayden is assessed an initial partial filing fee of \$41.23, and the County Jail trust fund officer is ordered to collect that amount from Hayden's trust fund account there and to pay it directly to the Clerk of Court ("Clerk"):

Office of the Clerk
United States District Court
219 South Dearborn Street
Chicago IL 60604

Attention: Fiscal Department.

After such payment the trust fund officer at County Jail (or at any other correctional facility where Hayden may hereafter be confined) is authorized to collect monthly payments from his trust fund account in an amount equal to 20% of the preceding month's income credited to the account. Monthly payments collected from the trust fund account shall be forwarded to the Clerk each time the amount in the account exceeds \$10 until the full \$350 filing fee is paid. Both the initial payment and all future payments shall clearly identify Hayden's name and the 17 C 3583 case number assigned to this action. To implement these requirements, the Clerk shall send a copy of this order to the County Jail trust fund officer.

In addition to Hayden's compliance with the requirements for the special type of in forma pauperis status applicable to prisoner plaintiffs, his Motion satisfies our Court of Appeals' requirement calling for a prisoner plaintiff to show efforts to obtain legal representation on his own. And that being the case, both the Motion and the Application are granted.

(footnote continued)

supplemental trust fund account information from the Cook County Department of Corrections ("County Jail," where Hayden is in custody).

This Court has accordingly requested that a member of the District Court's trial bar be designated to serve as Hayden's counsel in this case, and it has been advised that such representation is to be provided by:

Michael Anthony Pedicone, Esq.
Law Office of Michael A. Pedicone, Ltd.
340 East North Water Street
Suite 3200
Chicago, Illinois 60611-0815
Telephone: 312-726-4570
E-mail: map@pedicone.com.

Finally, an initial status hearing date is set for 9 a.m. July 11, 2017, with the above-designated counsel being expected in the interim (1) to confer with Hayden, (2) to make arrangements for the service of process on defendants by the United States Marshals Service and to consider whether (3) to leave Hayden's "Amended Complaint" in place or, perhaps, (4) to consider whether a lawyer-prepared replacement pleading will better serve Hayden's interests.³



Milton I. Shadur
Senior United States District Judge

Date: May 16, 2017

³ If the latter alternative applies, attorney Pedicone should take steps to ascertain the identity of the counsel who will be representing defendants and advise him or her that no pleading responsive to Hayden's self-prepared version of the "Amended Complaint" should be currently prepared and filed.