

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

COLIN ROSE,

Plaintiff,

vs.

TRAFFORD PUBLISHING COMPANY,

Defendant.

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Case No. 1:13-cv-01982-SEB-TAB

**Entry Discussing Supplemented Amended Complaint
and Directing Further Proceedings**

I.

Plaintiff Colin Rose’s motion to supplement [dkt. 11] the amend complaint is **granted**. The motion is understood to be the supplement. The supplemented amended complaint has been screened consistent with 28 U.S.C. § 1915(e)(2) and shall proceed as submitted.

For clarity, the **clerk is directed to refile** the return to order to show cause [dkt. 7] as the amended complaint and to **refile** the supplement [dkt. 11] as an attachment to the amended complaint.

II.

The **clerk is directed** to update the docket to reflect that this action is based on a contract dispute and not a prisoner civil rights claim. The nature of suit is 190 and the cause of action is 28:1332ds.

III.

The **clerk is designated**, pursuant to *Fed. R. Civ. P.* 4(c)(3), to issue and serve process on the defendant Trafford Publishing Company in the manner specified by *Fed. R. Civ. P.* 4(d)(1). Process shall consist of the supplemented amended complaint, applicable forms and this Entry.

IV.

The plaintiff's motion to appoint counsel [dkt. 8] has been considered. Litigants requesting that counsel be recruited must show as a threshold matter that they made a reasonable attempt to secure private counsel. *Gil v. Reed*, 381 F.3d 649, 656 (7th Cir. 2004); *Zarnes v. Rhodes*, 64 F.3d 285, 288 (7th Cir. 1995). The court must deny "out of hand" a request for counsel made without a showing of such effort. *Farmer v. Haas*, 990 F.2d 319, 321 (7th Cir. 1993). The plaintiff's motion for the appointment of counsel states that he that he "has made repeated efforts to obtain a lawyer." The motion lacks sufficient information to determine whether plaintiff has made a reasonable attempt to recruit counsel on his own. The plaintiff should continue his efforts, and if he chooses to renew his request for the appointment of counsel, he shall provide the court with a list of the names of organizations and/or law firms he has contacted. For the present, the plaintiff's motion for the appointment of counsel [dkt. 8] is **denied**.

IT IS SO ORDERED.

Date: 01/27/2014



SARAH EVANS BARKER, JUDGE
United States District Court
Southern District of Indiana

Distribution:

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