

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF INDIANA**

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\_\_\_\_ Kenneth Lainhart \_\_\_\_\_

Full name of plaintiff(s)

v.

Case No. 1:18-cv-3198-SEB-TAB

Charles Wiley, et al.

\_\_\_\_\_  
Full name of defendant(s)

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**MOTION FOR ASSISTANCE WITH RECRUITING COUNSEL**

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I request the court's assistance recruiting counsel to represent me in this action.

(Note: You may attach additional pages to this motion.)

**I. Financial Status**

Have you previously filed a "Request to Proceed in Forma Pauperis" (an IFP application)?  
Please check the appropriate box below:

- I have previously filed an IFP application in this case, and it is a true and correct representation of my current financial status.
- I have not previously filed an IFP application in this case and now attach an original IFP application showing my financial status.
- I have previously filed an IFP application in this case, but my financial status has changed. I have attached a new IFP application showing my current financial status.

**II. Attempts to Obtain Counsel**

The law requires persons requesting assistance with recruiting counsel to first make a reasonable attempt to obtain counsel on their own or demonstrate that they have been effectively precluded from doing so. List all attorneys and/or law firms you have contacted to represent you in this case and their responses to your requests. If you have limited access to the telephone, mail, or other communication methods, or if you otherwise have had difficulty contacting attorneys, please explain.

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**III. Ability to Litigate the Case**

1) Do you have any difficulty reading or writing English?

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2) What is your educational background (including how far you went in school)?

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3) Do you have any physical or mental health issues that you believe affect your ability to litigate this case on your own? If so, what are they?

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4) Have you received any assistance with this case from others, including other inmates? If so, describe the assistance you have received and whether you will continue to receive it.

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5) List any other cases you have filed without counsel, and note whether the Court recruited counsel to assist you in any of those cases.

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6) Describe any other factors you believe are relevant to your ability to litigate this case on your own.

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#### **IV. Requirements for the Recruitment of Counsel**

By filing this motion, I agree to the following conditions:

- While I set the objectives of the litigation, I acknowledge it is usually counsel's choice as to the strategies used to accomplish that objective.
- I will fully cooperate with recruited counsel. If I do not do so, I understand that recruited counsel may withdraw.
- I understand that counsel is not responsible for paying the costs associated with my lawsuit.
- I understand that I am not entitled to free legal counsel and that recruited counsel may require me to enter into a contingency fee agreement in order to represent me in this action.
- I understand that a portion of any monetary recovery (not to exceed 25%) may be used to satisfy the amount of attorney's fees awarded under 42 U.S.C. § 1988. This requirement is imposed by the Prison Litigation Reform Act, 42 U.S.C. § 1997e(d).
- I understand that even if the Court grants this motion, I will receive counsel only if an attorney volunteers to take my case and that there is no guarantee that an attorney will volunteer to represent me.
- I understand that if my answers in this motion or in my IFP application are false, I may be subject to sanctions, including the dismissal of my case.

I declare under penalty of perjury that the foregoing is true and correct:

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Date

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**Signature - Signed Under Penalty of Perjury**