

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DAVID BROWN,

Plaintiff,

v.

Case No. 21-cv-11565  
Hon. Matthew F. Leitman

SUSAN MCCAULEY, *et al.*,

Defendants.

---

**ORDER (1) CONDITIONALLY APPOINTING COUNSEL  
FOR LIMITED REPRESENTATION IN SETTLEMENT  
NEGOTIATIONS AND (2) STAYING CASE FOR 120 DAYS**

Plaintiff David Brown is a state inmate in the custody of the Michigan Department of Corrections (the “MDOC”). Now pending in this action is a claim by Brown that Defendant Donald Haiderer, O.D., violated his rights under the Eighth Amendment.<sup>1</sup> At a hearing on June 10, 2023, the Court determined that the next step in this action should be for the parties to engage in settlement discussions. The Court believes that Brown would benefit from the assistance of appointed *pro bono* counsel for the limited purpose of assisting him during the parties’ upcoming settlement discussions.

---

<sup>1</sup> The parties dispute whether Brown’s allegations also include a claim of retaliation in violation of the First Amendment against Haiderer.

Accordingly, this case is **REFERRED** to the *Pro Bono* Committee. Brown is conditionally granted appointment of counsel for the limited purpose of assisting him during settlement negotiations, provided that the committee is successful in enlisting *pro bono* counsel. The Court will also **STAY** this action for a period of **120 days** while the committee attempts to obtain *pro bono* counsel. Once *pro bono* counsel is obtained, the Court will lift the stay and set a status conference with all counsel to discuss the settlement process.

**IT IS SO ORDERED.**

s/Matthew F. Leitman  
MATTHEW F. LEITMAN  
UNITED STATES DISTRICT JUDGE

Dated: July 12, 2023

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on July 12, 2023, by electronic means and/or ordinary mail.

s/Holly A. Ryan  
Case Manager  
(313) 234-5126