

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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ROY JOAQUIN TAYLOR, :
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 Plaintiff, :
 :
 -v- :
 :
 CITY OF NEW YORK, *et al.*, :
 :
 Defendants. :
 :
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1:16-cv-01143-GHW

ORDER REQUESTING
PRO BONO COUNSEL

GREGORY H. WOODS, United States District Judge:

Plaintiff Roy Joaquin Taylor asserts Section 1983 claims of malicious prosecution, excessive force, and other claims against The City of New York and other Defendants arising out of a traffic stop and arrest in December 2015 and a separate incident in January 2016 while he was held at Riker’s Island. Dkt. No. 210. Defendants moved for summary judgment on June 6, 2022 for Plaintiff’s claims arising out of the January 2016 incident, which the Court denied. Dkt. No. 282. Defendants moved to dismiss the claims arising out of the December 2015 incident, which is fully briefed and currently pending before this Court. Dkt. No. 265. Absent the parties’ resolution of this case, the Court anticipates proceeding to trial at least on the claims arising out of the January 2016 incident. Plaintiff now requests the appointment of counsel for the limited purpose of discussing settlement with Defendants. Dkt. No. 287.

The courts “may request an attorney to represent any person unable to afford counsel.” 28 U.S.C. § 1915(e)(1). Plaintiff does not proceed *in forma pauperis* (“IFP”) and may not qualify for counsel under § 1915(e)(1).¹ However, Courts in this District routinely appoint pro bono counsel

¹ While Plaintiff did not pursue this case *in forma pauperis*, his resources were not large at the time that he filed this case. See Dkt. No. 1 at 2.

for the limited purposes of representing a *pro se* litigant in settlement or mediation discussions,² which is the only scope of representation that Plaintiff seeks. Because reaching a resolution in this matter with the assistance of counsel would benefit the parties and the Court, the Court will request that the Clerk of Court attempt to locate pro bono counsel for the limited purpose of representing Plaintiff in settlement negotiations with Defendants in this matter. Counsel shall file a Notice of Limited Appearance as Pro Bono Counsel.

Under the Court's Standing Order regarding the Creation and Administration of the Pro Bono Fund (16-MC-0078), pro bono counsel may apply to the Court for reimbursement of certain out-of-pocket expenses spent in furtherance of Plaintiff's case. The Pro Bono Fund is especially intended for attorneys for whom pro bono service is a financial hardship. *See* http://www.nysd.circ2.dcn/docs/prose/pro_bono_fund_order.pdf.

Pro bono counsel will not be obligated for any aspect of Plaintiff's representation beyond the matters described in this order. In particular, pro bono counsel will not be required to respond to a dispositive motion or represent Plaintiff in the preparation of pretrial submissions and conducting trial. Absent an expansion of the scope of pro bono counsel's representation, pro bono counsel's representation of Plaintiff will end upon completion of any settlement negotiations that occur among the parties. Upon the filing by pro bono counsel of a Notice of Completion, the representation by pro bono counsel of Plaintiff in this matter will terminate, and pro bono counsel will have no further obligations or responsibilities to Plaintiff or to the Court in this matter.

For the foregoing reasons, the Clerk of Court is directed to attempt to locate pro bono counsel to represent Plaintiff for the limited purposes described above. The Court advises Plaintiff that there are no funds to retain counsel in civil cases and the Court relies on volunteers. Due to a scarcity of volunteer attorneys, a lengthy period of time may pass before counsel volunteers to

² *See* Mediation in Pro Se Employment Discrimination Cases, <https://nysd.uscourts.gov/mediation/prose>.


represent Plaintiff. If an attorney volunteers, the attorney will contact Plaintiff directly. There is no guarantee, however, that a volunteer attorney will decide to take the case, and plaintiff should be prepared to proceed with the case, including settlement negotiations, without an attorney.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and therefore IFP status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444–45 (1962).

The Clerk of Court is directed to mail a copy of this order to Plaintiff.

SO ORDERED.

Dated: February 15, 2024
New York, New York



GREGORY H. WOODS
United States District Judge