

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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QUINNDALE POLK,

Plaintiff,

v.

**ORDER**

**12-CV-1106F**

CORRECTION OFFICER ANTHONY J. OLLES,  
CORRECTION OFFICER SEAN P. WHITE,  
LIEUTENANT RICHARD E. SIMMONS,  
PAUL CHAPPIUS, JR.,

Defendants.

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Plaintiff has filed a *pro se* complaint under 42 U.S.C. § 2000e and has requested appointment of counsel pursuant to 42 U.S.C. § 2000e-5(f)(1) and 28 U.S.C. § 1915(e)(1) (Doc. No. 26). This Court is required to see that all litigants receive proper representation of counsel under the criteria set forth in *Jenkins v. Chemical Bank*, 721 F.2d 876 (2d Cir. 1983) and *Cooper v. A. Sargent Co.*, 877 F.2d 170 (2d Cir. 1989). In addition, courts have the inherent authority to assign counsel to represent private indigent litigants. See *In re Smiley*, 36 N.Y.2d 433, 438 (1975).

More importantly, each lawyer — especially those who are admitted to practice in federal court and who therefore are in a position to reap the benefits of such practice — has an ethical obligation under the Code of Professional Responsibility to provide *pro bono* services for the poor. See New York Rules of Professional Conduct, Rule 6.1. In addition, Rule 83.1(f) of the Local Rules of Civil Procedure provides as follows:

Every member of the bar of this Court who maintains, or whose firm maintains, an office in this District, shall be available upon the Court's request for appointment to represent or assist in the representation of indigent parties. Appointments under this Rule shall be made in a manner such that no Member shall be requested to accept more than one appointment during any twelve-month period.

It is in this spirit that the Court assigns Parker R. MacKay, Esq. 3110 Delaware Avenue, Kenmore, New York, 14217, 716-803-8166, *pro bono*, to faithfully and diligently represent plaintiff in this case.

The Clerk of the Court is directed to copy that portion of the file in this matter that is not currently available through PACER on the Court's Case Management/Electronic Case Management System and send it to Mr. MacKay, together with a copy of this order and the Guidelines Governing Reimbursement from the District Court Fund of Expenses Incurred by Court Appointed Counsel.<sup>1</sup> The Chief Judge of the Court will also issue an Order directing PACER to waive its fees so pro bono counsel can access and print at no cost to him or his firm any other documents filed herein that he may need.

SO ORDERED.

*/s/ Leslie G. Foschio*

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LESLIE G. FOSCHIO  
UNITED STATES MAGISTRATE JUDGE

Dated: June 16, 2014  
Buffalo, New York

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<sup>1</sup>This information and the forms are also available on the Court's web site at the Attorney Information link from the home page located at <<http://www.nywd.uscourts.gov/>>.