

Garang v. Lian et al
Doc. 02

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

AGOT R. GARANG,

Plaintiff,

v.

CHRISTOPHER LIAN, et al.,

Defendants.

DECISION & ORDER

09-CV-6284P

On October 18, 2012, *pro se* plaintiff Agot R. Garang filed a motion for the appointment of counsel. (Docket # 59). On November 26, 2012, Donald S. Thomson, Esq., counsel for defendants, advised the Court that the Steuben County Legislature has approved the terms of settlement reached between plaintiff and the defendant. Mr. Thomson has also advised the Court that he understands that the plaintiff wishes the settlement proceeds be paid to his brother.

The Court is permitted to appoint counsel to assist indigent litigants pursuant to 28 U.S.C. § 1915(e). *See, e.g., Sears, Roebuck and Co. v. Charles W. Sears Real Estate, Inc.*, 865 F.2d 22, 23 (2d Cir. 1988). Such assignment of counsel is clearly within the judge's discretion. *In re Martin-Trigona*, 737 F.2d 1254 (2d Cir. 1984).

This Court hereby assigns Steven V. Modica, Esq., 2430 Ridgeway Avenue, Rochester, New York 14626, *pro bono*, to faithfully and diligently represent the plaintiff in this case **for the sole purpose of assisting the plaintiff in executing the settlement that he has reached with the defendants.**

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 Steven V. Modica, Esq., together with a copy of this Order and the Guidelines Governing Reimbursement from the District Court Fund of Expenses Incurred by Court Appointed Counsel.¹ 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 them or their firm any other documents filed herein that they may need.

A **telephone status conference** will be held with counsel and the undersigned on **December 19, 2012, at 10:40 a.m.**, to discuss the status of the settlement. Prior to the conference, Mr. Modica is expected to confer with his client about the case. *Counsel are directed to call chambers at (585) 613-4080 promptly at 10:40 a.m. to be connected into the conference call.*

IT IS SO ORDERED.



MARIAN W. PAYSON
United States Magistrate Judge

Dated: Rochester, New York
December 3, 2012

¹ 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/>.