

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

EUGENE CHERRY,

Plaintiff,

v.

MATTHEW FRANK, GERALD BERGE,
PETER HUIBREGTSE, GARY BOUGHTON,
BRAD HOMPE, JOAN GERL,
SGT. C. HANEY, THOMAS BELZ and
HENRY BRAY,

Defendants.

ORDER

03-C-129-C

Plaintiff Eugene Cherry's sixth motion for appointment of counsel or in the alternative to allow inmate A'Kinbo Hashim-Tiggs to represent him will be denied. Not only will this court not agree to allow inmate Tiggs to file papers in this case or act on plaintiff's behalf, but I will urge plaintiff to be particularly cautious about agreeing to accept legal assistance from inmate Tiggs. In an order entered on April 15, 2002 in Tiggs v. Berge, 01-C-705-C, Judge Crabb sanctioned inmate Tiggs for misrepresenting the authenticity of a complaint he filed for himself and multiple purported co-plaintiffs and for engaging in other improper conduct in prosecuting the action. In that order, Judge Crabb noted:

Tiggs is not a licensed lawyer. Although he may fancy himself to be more advanced than his fellow inmates in the art of drafting pleadings and presenting legal claims, he has himself struck out under 28 U.S.C. § 1915(g) for filing legally meritless claims and he has caused others to have strikes recorded against them because he has included them as co-plaintiffs in his lawsuits. He should be well aware of the fact that every prisoner he includes in a multi-plaintiff lawsuit becomes bound by a judgment in the defendants' favor in the event the claims he raises are unsuccessful and the fact that he exposes every plaintiff who joins his lawsuits to the risk of incurring a strike under § 1915(g) when and if the claims are found to be legally meritless. He should have known that these serious consequences of prosecuting a lawsuit pro se made it imperative that every plaintiff in the lawsuit be involved intimately in the planning and prosecution of the lawsuit. He should have known that the rules limiting inmate to inmate communications at the prison and his limited resources would make it impossible for him to fulfill this obligation.

Aside from plaintiff's insistence that he is not capable of representing himself, a view with which Judge Crabb has repeatedly disagreed, plaintiff advances no persuasive reason to disturb Judge Crabb's earlier rulings denying plaintiff's motions for appointed counsel.

ORDER

IT IS ORDERED that plaintiff's sixth motion for appointment of counsel or, in the

alternative, to allow inmate A'Kinbo Hashim-Tiggs to represent him is DENIED.

Entered this 8th day of September, 2003.

BY THE COURT:

STEPHEN L. CROCKER
Magistrate Judge