

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

REAL PROPERTY LOCATED AT
8711 LAKE ROAD, WISCONSIN
RAPIDS, WISCONSIN, With All
Appurtenances and Improvements Thereon,

Defendant.

ORDER

03-C-168-C

This is a civil forfeiture action. Claimant Patricia L. Lewis is proceeding pro se and has challenged the government's ability to take the property at issue. Now before the court is claimant's motion for appointment of counsel. The motion will be denied.

Because this is a civil proceeding, claimant has no constitutional or statutory right to counsel. Although I may ask a lawyer to represent a party in a civil case, I am not persuaded that doing so would be appropriate in this case.

First, claimant has not submitted an affidavit of indigency in support of her request showing that she meets the indigency standards of this court. Second, before I can decide

whether counsel should be appointed, I must find that claimant has made reasonable efforts to retain counsel and was unsuccessful or that she was precluded effectively from making such efforts. Jackson v. County of McLean, 953 F.2d 1070 (7th Cir. 1992). Claimant does not state that she has made any effort to retain counsel or that she has been precluded from making such efforts.

If claimant intends to renew her motion at a later date, she will have to submit an affidavit of indigency and advise the court of the names and addresses of at least three lawyers that she has asked to represent her in this case and who have declined to take the case before I can find that she has made reasonable efforts to secure counsel.

Claimant notes that plaintiff has filed a motion for summary judgment. She appears to be contending that because she is facing charges in state court and as a layperson she has not been able to prepare a response to the motion within the time allowed by the magistrate judge's October 1, 2003 preliminary pretrial conference order. I construe her motion for appointed counsel to include a motion for an enlargement of time in which to oppose the motion for summary judgment. Although I will grant this motion, I am cautioning claimant that I do not intend to grant any further request for additional time to oppose the motion. In addition, in opposing the motion for summary judgment, claimant is to pay strict attention to this court's Procedures to be Followed on Motions for Summary Judgment, a copy of which accompanied the magistrate judge's October 1 order. Because it does not

appear that claimant was sent a copy of this court's "Memorandum to Pro Se Litigants Regarding Summary Judgment Motions," I am enclosing the memorandum to her with this order.

ORDER

IT IS ORDERED that claimant's motion for appointment of counsel is DENIED.

Further, IT IS ORDERED that the schedule for briefing plaintiff's motion for summary judgment is modified as follows:

Claimant may have until December 31, 2003, in which to oppose the motion.

Plaintiff may have until January 14, 2004, in which to serve and file a reply.

Entered this 11th day of December, 2003.

BY THE COURT:

BARBARA B. CRABB
District Judge