

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

LEONARD COLLINS,

Plaintiff,

v.

GARY McCAUGHTRY,
DICK POLINSKE, and
MOLLY OLSON,

Defendants.

ORDER

04-C-147-C

At the time he filed his complaint in this court, plaintiff filed a motion for appointment of counsel. Subsequently, on April 22, 2004, I granted plaintiff leave to proceed in forma pauperis on his claims that defendants Molly Olson and Dick Polinske violated his First Amendment rights by retaliating against him for filing an appeal and speaking out against an anger management course. In addition, I granted plaintiff leave to proceed on his claim that defendant Gary McCaughtry violated his First Amendment rights by depriving him of a hardbound book. I overlooked at that time plaintiff's motion for appointment of counsel.

In deciding whether to appoint counsel, I must first find that plaintiff made

reasonable efforts to find a lawyer on his own and was unsuccessful or that he was prevented from making such efforts. Jackson v. County of McLean, 953 F.2d 1070 (7th Cir. 1992). Plaintiff does not say that he has been prevented from trying to find a lawyer on his own. To prove that he has made reasonable efforts to find a lawyer, plaintiff must give the court the names and addresses of at least three lawyers that he asked to represent him in this case and who turned him down.

Plaintiff should be aware that even if he is unsuccessful in finding a lawyer on his own, that does not mean that one will be appointed for him. At that point, the court must consider whether plaintiff is able to represent himself given the legal difficulty of the case, and if he is not, whether having a lawyer would make a difference in the outcome of his lawsuit. Zarnes v. Rhodes, 64 F.3d 285 (7th Cir. 1995) (citing Farmer v. Haas, 990 F.2d 319, 322 (7th Cir. 1993)). Given the fact that plaintiff Collins has litigated several previous lawsuits in this court, it is my tentative view that he has the ability to proceed without counsel in this case, which does not present complex issues. Accordingly, plaintiff's motion for the appointment of counsel will be denied.

ORDER

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

Entered this 12th day of May, 2004.

BY THE COURT:

BARBARA B. CRABB
District Judge