

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

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TITUS HENDERSON,

Plaintiff,

ORDER

v.

04-C-39-C

VICKI SEBASTIAN, GERALD BERGE,  
MATTHEW FRANK, CATHERINE BROADBENT,

Defendants.  
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Plaintiff is proceeding pro se in this action on his claims that defendants are violating his rights under the First Amendment and Religious Land Use and Institutionalized Persons Act by refusing to permit him to have two Taoist texts and by forcing him to submit to Christianity as part of a behavior modification program. Also, plaintiff is proceeding on a claim that defendants are violating the establishment clause by using tax dollars to purchase a Christian television network. Now plaintiff has moved for the appointment of counsel.

In considering whether counsel should be appointed, I first must determine whether plaintiff made reasonable efforts to retain counsel and was unsuccessful or whether he was precluded effectively from making such efforts. Jackson v. County of McLean, 953 F.2d 1070 (7th Cir. 1992). Plaintiff lists the names of four lawyers that he has asked to take his

case but who have declined to do so.

Second, I must determine whether a pro se plaintiff is competent to represent himself given the complexity of the case, and if he is not, whether the presence of counsel 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).

Plaintiff is presently litigating two lawsuits in this court. Although he has limited access to the law library and legal research materials, he has a good understanding of court proceedings. His written submissions are clear and concise, reflecting his high school education.

Contrary to plaintiff's belief, this case is not complex. Plaintiff possesses personal knowledge of the facts giving rise to his claims. Having a lawyer to help him tell his version of the facts is unnecessary. Moreover, the law governing religious freedom claims was explained to plaintiff in the order allowing him to proceed with this action. His ability to succeed on the claims will rest entirely upon facts presented on a motion for summary judgment or at trial. I am convinced that plaintiff has the ability to prosecute this case without the assistance of counsel.

ORDER

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

Entered this 4th day of May, 2004.

BY THE COURT:

BARBARA B. CRABB  
District Judge