

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

DATHAN BEAN,

Plaintiff,

v.

SANDRA HAUTAMAKI, JEFFREY P.
ENDICOTT and KELLY MUESKI,

Respondents.

ORDER

04-C-447-C

In an order dated August 26, 2004, I granted plaintiff leave to proceed in forma pauperis on his claim that defendants are violating his Eighth Amendment rights by forcing him to house in the same cell with an inmate they know to be unstable and capable of inflicting great harm or death on petitioner. In the same order, I established a schedule for briefing plaintiff's motion for a preliminary injunction. According to the schedule, plaintiff's supporting evidence and his proposed findings of fact were to have been served and filed by September 1, 2004. On September 1, however, plaintiff filed a motion for an enlargement of time in which to support his motion and a request for appointment of counsel.

In determining whether counsel should be appointed, I must first find that plaintiff

made reasonable efforts to retain counsel and was unsuccessful or that he was precluded effectively from making such efforts. Jackson v. County of McLean, 953 F.2d 1070 (7th Cir. 1992). Ordinarily, before the court will find that the plaintiff has made reasonable efforts to secure counsel it requires a plaintiff to provide the names and addresses of at least three lawyers that he has asked to represent him and who have declined to take the case. Because plaintiff has not made the necessary showing, his motion will be denied.

Plaintiff's motion for an enlargement of time in which to support his motion for a preliminary injunction will be granted.

ORDER

IT IS ORDERED that plaintiff's motion for the appointment of counsel is DENIED because he has failed to show that he made reasonable efforts to retain counsel and has been unsuccessful or that he has been precluded effectively from making such efforts.

Further, IT IS ORDERED that plaintiff may have until October 1, 2004, in which to support his motion for a preliminary injunction. Defendant may have until October 12, 2004, in which to oppose the motion. Plaintiff may have until October 19, 2004, in which to serve and file a reply. The parties are reminded that all submissions are to be in compliance with this court's Procedure to be Followed on Motions for Injunctive Relief, a

copy of which is enclosed to them with this court's order of August 26, 2004.

Entered this 3rd day of September, 2004.

BY THE COURT:

BARBARA B. CRABB
District Judge