

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

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LUIS A. RAMIREZ,

Plaintiff,

v.

GARY R. McCAUGHTRY,  
ANTHONY MELI, MARC CLEMENTS,  
TOD RUSSEL, JOHN DOE ##1, 2 and 3,  
STEVEN SCHUELER and CURT JANSSEN,

Respondents.  
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ORDER

04-C-0786-C

Plaintiff is proceeding in forma pauperis in this action on his claims that defendants Tod Russel and John Doe ##1, 2 and 3 used excessive force in extracting him from his cell on January 15, 2002, that defendant Anthony Meli failed to prevent the excessive force and that defendants Meli and Steven Schueler put him in an extremely cold cell without clothes following the cell extraction, all in violation of plaintiff's Eighth Amendment rights. Now plaintiff has moved for the appointment of counsel. The motion will be denied.

Recently, in Ramirez v. McCaughtry, 04-C-335-C, I denied plaintiff's motion for appointment of counsel to help him with the following claims in that lawsuit: that

defendants violated his constitutional rights when they subjected him to constant illumination in his cell and extreme heat and cold and when they prohibited him from having pictures and publications in segregation. In that case, I concluded that plaintiff was competent to gather the facts required to prove claims of ordinary complexity such as those raised in his complaint. This case is even less complicated than case no. 04-C-335-C. It involves one incident of short duration in which plaintiff has direct knowledge. Plaintiff has shown that he is able to draft pleadings and motions and support them with appropriate argument and exhibits. Although it is early in this lawsuit, he has revealed in case no. 04-C-335-C that he is capable of taking direction and responding to court orders. I am convinced that he is competent to represent himself given the complexity of this case.

ORDER

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

Entered this 27th day of December, 2004.

BY THE COURT:

BARBARA B. CRABB  
District Judge