

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

JONATHON H. BEDFORD,

Plaintiff,

v.

NEIGHBORHOOD CONNECTIONS, INC.;

Defendant.

ORDER

04-C-978-C

On December 30, 2004, I granted plaintiff leave to proceed in forma pauperis in this civil action for money damages and other relief brought pursuant to Title VII of the 1964 Civil Rights Act, as amended by the Civil Rights Act of 1991, 42 U.S.C. §§ 2000e, and the Americans with Disabilities Act, 42 U.S.C. §§ 12101-12213. The United States Marshal is serving plaintiff's complaint on the defendant. Now plaintiff has filed a one-page letter dated January 11, 2005, which I construe as a motion for appointment of counsel.

First, I note that the motion does not contain a caption as required by Fed. R. Civ. P. 7(2). Second, there is no indication on the motion that plaintiff has sent a copy to the defendant. As I told plaintiff in the order granting him leave to proceed, he must send the defendant or the defendant's lawyer as soon as he knows the name of the lawyer, a copy of

every paper or document that he files with the court. The court's copy of the document should show clearly that he has complied with this requirement. In the future, I will disregard any filing from plaintiff that fails to comply with this requirement.

In any event, plaintiff's motion must be denied without prejudice. This is because before I can appoint counsel in a civil action such as plaintiff's, 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). Plaintiff must provide the court with the names and addresses of at least three lawyers that he has asked to represent him in this case and who have declined to take the case before I can find that he has made reasonable efforts to secure counsel. He has not done this.

Plaintiff should be aware that if he attempts to obtain a lawyer and is unsuccessful, that does not mean that one will be appointed for him automatically. At that point, the court must determine whether he 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). This case is simply too new to permit the court to assess plaintiff's abilities or the potential outcome of the lawsuit.

ORDER

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

Entered this 12th day of January, 2005.

BY THE COURT:

BARBARA B. CRABB
District Judge