

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

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NATHANIEL ALLEN LINDELL,

Plaintiff,

v.

CINDY O'DONNELL, RICK RAEMISCH,  
SANDRA HAUTAMAKI, JOHN RAY,  
STEVEN CASPERSON, JEFF HAEN,  
STEVEN SPANBAUER, KATHLEEN BELLAIRE,  
CAPT. KURT LINJER, C.O. DEAVER, ELLEN RAY,  
CAPT. GILBERG, PETER HUIBREGTSE, GERALD  
BERGE, RICHARD SCHNEITER,  
SGT. S. GRONDIN, BRIAN KOOL, C.O. D. ESSER,  
C.O. A. JONES, GARY BOUGHTON, JOHN SHARPE,  
KELLY TRUMM, C.O. JOHNSON, TIMOTHY HAINES,  
LT. J. GRONDIN, C.O. BELL, SGT. BARTELS,  
LT. BRUDAS, CPT. JULIE BIGGAR,  
C.O. SCHNEIDER, and C.O. KORTMANN,

Defendants.  
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ORDER

05-C-04-C

Plaintiff has filed a "Notice and Motion with Affidavit in Support Seeking Protective Order or Appointment of Counsel." In this motion, plaintiff asks for an order directing defendants to "provide him with working pens when the ones he has cease working" or, alternatively for appointment of counsel. Plaintiff states that he is not allowed to use legal

loan money to purchase carbon paper or to photocopy handwritten papers even though he has not yet exceeded the \$200 annual legal loan limit and that he receives only two pens a week, which run out of ink after only 10-15 pages. Plaintiff suggests that the limitation on his ability to produce more than 30 pages of handwritten documents a week will impede his ability to defend against defendants' motion for summary judgment in this case, particularly in light of the number of claims he raised in the suit. Petitioner alleges that the same time that he is prosecuting this action, he is attempting to appeal a decision in a state court criminal action and is prosecuting two appeals in civil actions in federal court.

Plaintiff has only himself to blame if he finds himself having difficulty prosecuting the behemoths of lawsuits he files, along with all the appeals his litigation entails. He has been admonished in orders in earlier cases he filed in this court that he must begin exercising some discretion and good judgment in deciding what claims, actions or appeals are most worthy of pursuit. See, e.g., Lindell v. Litscher, 02-C-21-C, slip op. Dec. 22, 2002 (W.D. Wis.); Lindell v. Litscher, 02-C-473-C, slip op. Sept. 20, 2004 (W.D. Wis.). The state is not obligated to provide him with all of the ink, photocopies or carbon paper he may desire. As the court of appeals explained in Lindell v. McCallum, 352 F.3d 1107, 1111 (7th Cir. 2003), plaintiff has no constitutional entitlement to a subsidy to prosecute this suit; like any other litigant, he must decide which of his legal actions are important enough to fund.

Plaintiff's alternative motion for appointment of counsel will be denied. Plaintiff does

not suggest that he lacks the mental ability to litigate his claims. He has prosecuted at least seven other lawsuits to completion, two of which required trials. The only reason he wants counsel is to shift to counsel the cost of his litigation. This is not a proper reason to appoint counsel.

#### ORDER

IT IS ORDERED that plaintiff Nathaniel Lindell's “. . . Motion with Affidavit in Support Seeking Protective Order or Appointment of Counsel” is DENIED.

Entered this 28th day of June, 2005.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge