

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

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STEVEN D. STEWART,

Plaintiff,

v.

C.O. BARR, C.O. MCDANIELS, C.O. STOWELL,  
BURTON COX, JR., CINDY SAWINSKI  
and C.O. GOVIER (Male),

Defendants.

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ORDER

05-C-293-C

Plaintiff Steven Stewart has filed a letter dated February 20, 2006, which I construe as a fourth motion for appointment of counsel. In this motion, plaintiff appears to be explaining that if he had had counsel appointed to help him, he would not have been placed in segregation and denied the use of the law library and, therefore, would have been able to file a better response to defendants' motion for summary judgment. Plaintiff states expressly in his motion that he is not seeking another extension of time to file additional material in response to defendants' motion.

Plaintiff's fourth motion for appointment of counsel will be denied for a variety of reasons. First, plaintiff's belief that if he had been represented by counsel in this case, he

would not have been placed in segregation or suffered the resultant temporary loss of opportunities to visit the law library is not a ground warranting an order appointing him counsel now.

Second, in the order denying plaintiff's third motion for appointment of counsel, I found that plaintiff possesses the skills to prosecute a case of this complexity on his own. Plaintiff has engaged in extensive discovery and has succeeded in obtaining a partial grant of a motion to compel discovery. His complaint and subsequent filings have been clearly written and appropriately directed. He has a working knowledge of the rules of civil procedure.

Finally, plaintiff's claimed inability to visit the law library at the prison has been an ongoing complaint of plaintiff's since he filed this action. His assertions of prison interference in his ability to conduct legal research were investigated at the magistrate judge's request on September 20, 2005, and thoroughly discounted in defendants' report on plaintiff's library use (Dkt. #28). In any event, as I explained to plaintiff in the September 19, 2005 order denying his third motion for appointment of counsel, it is the factual evidence he gathers in discovery and not legal argument he pulls from books in the law library, that will determine the success or failure of his claims.

For the reasons expressed in this court's order of September 19, 2005, denying plaintiff's third motion for appointment of counsel, the fourth motion for appointment of

counsel will be denied.

ORDER

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

Entered this 27th day of February, 2006.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge