

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

DEAN BENTER,

Plaintiff,

v.

ORDER
06-C-128-S

M. JAHR,

Defendant.

Plaintiff moves for appointment of counsel. In Darden v. Illinois Bell Telephone Co., 797 F. 2d 497, 500 (7th Cir. 1986), the Court held that in deciding whether to appoint counsel for pro se litigants three factors must be considered. These factors include the merits of plaintiff's claim, the diligence of plaintiff in attempting to obtain counsel and the financial ability of the plaintiff to retain counsel.

Plaintiff has demonstrated that he has attempted to obtain counsel and that he is indigent. The merits of plaintiff's claim, however, does not warrant appointment of counsel.

Defendant moves for relief from this Court's scheduling order. The Court's order is reasonable in a case of this nature. Defendants' motion will be denied.

ORDER

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

Benter v. Jahr, 06-C-128-S

IT IS FURTHER ORDERED that defendants' motion for relief from the scheduling order is DENIED.

Entered this 13th day of April, 2006.

BY THE COURT:

S/

JOHN C. SHABAZ
District Judge