

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

CARSON DARNELL COMBS,

Plaintiff,

v.

ORDER

RICHARD J. SWENSON,
FREDERICK VON RUDEN,
RICHARD YUNK, FRITZ
A. DEGNER and CHARLES
AMUNDSON,

06-C-156-S

Defendants.

Plaintiff was allowed to proceed on his Fourth Amendment and malicious prosecution claims. 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, do not warrant appointment of counsel.

Combs v. Swenson, et al., 06-C-156-S

ORDER

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

Entered this 5th day of May, 2006.

BY THE COURT:

S/

JOHN C. SHABAZ
District Judge