

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

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BRIAN LOCKE,

Plaintiff,

v.

ORDER  
07-C-480-S

MATTHEW J. FRANKS,  
GREG D. GRAMS and 1-35 JOHN DOES,

Defendant.

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Plaintiff moves reconsideration of this Court's denial of his motion for a preliminary injunction and for his request for discovery from a state court judge. These motions for reconsideration will be denied because they are without legal merit.

Plaintiff also moves to amend his complaint as soon as the defendants identify the John Does. This motion will be denied as premature.

Plaintiff moves for appointment of counsel. He was allowed to proceed on his First Amendment denial of access to the courts and retaliation claims.

In Pruitt v. Mote, \_\_\_\_\_ F.3d \_\_\_\_\_, 2007 WL 2850448 (7th Cir. Oct. 3, 2007), the Court sets forth a framework for deciding an indigent pro se plaintiff's motion for appointment of counsel. First plaintiff must show that he has made reasonable efforts to

retain counsel or that he has been effectively precluded from making such efforts.

The Court must then consider the difficulty of the case and the competence of the plaintiff to litigate it himself. In determining plaintiff's competence the Court should consider all the relevant evidence on the question including but not limited to the plaintiff's literacy, communication skills, educational level, litigation experience, intellectual capacity and psychological history.

Plaintiff has not shown that he has made reasonable efforts to retain counsel. This is not a complex case and plaintiff has had previous litigation experience in this court.

The pleadings that he has submitted in this case show his ability to represent himself. Accordingly, plaintiff's motion for appointment of counsel will be denied.

ORDER

IT IS ORDERED that plaintiff's motions for reconsideration are DENIED.

IT IS FURTHER ORDERED that plaintiff's motion to amend his complaint is DENIED as premature.

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

Entered this 16<sup>th</sup> day of November, 2007

BY THE COURT:

/s/

JOHN C. SHABAZ

District Judge