

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

DENNIS STRONG,

Plaintiff,

v.

STATE OF WISCONSIN, MICHAEL VITACCIO,
FRED SIGGELKOW, GREG VAN RYBROEK,
DAVID POLLOCK, BRAD SMITH, KELLY VITENSE,
PATRICIA DORN and CHERYL MARSHALL,

Defendants.¹

ORDER

07-cv-86-bbc

Defendants have filed a motion to appoint counsel for a nonparty witness who plaintiff is scheduled to depose on March 7. The motion (dkt. #146) is DENIED.

To begin with, the only ground defendants identify for appointing counsel is that the witness is a “patient . . . in a maximum security unit” and “his testimony may include information which could implicate himself or otherwise be adverse to his interests.” Of course, that possibility is present in almost any case involving persons in custody, but that

¹ Plaintiff has dismissed the complaint as to his claims against Jan Gray, Clair Krueger, John Feeny, Lori Klemer and Cheryl Hoffman. Dkt. ##109 and 129.

is not a ground for appointing counsel by itself. Defendants fail to explain how the witness might be adversely affected by the deposition and they provide no support for a view that the risk of harm is heightened in this case.

Even more important, defendants do not have standing to seek appointment of counsel for someone who is not seeking representation. The court cannot entertain requests from parties regarding matters on which they have no legal interest.

Finally, defendants identify no authority under which this court may appoint counsel for nonparty witnesses. Although 28 U.S.C. § 1915(e)(1) is not expressly limited to parties, defendants point to no other case in which a court has appointed counsel under similar circumstances.

Entered this 28th day of February, 2008.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge