

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

ADEKUNLE RAZAQ ADEFEYINTI

Plaintiff,

ORDER

v.

08-cv-426-slc

DR. JAMES REED and
MR. MICHAEL CARR,

Defendants.

In this case plaintiff was allowed to proceed *in forma pauperis* on his claim that defendants Dr. James Reed and Michael Carr failed to respond to his ongoing and deteriorating lung infection, causing him unneeded and serious pain, in violation of the Eighth Amendment.

Now plaintiff has filed a motion for appointment of counsel. In deciding whether to appoint counsel, I must first find that plaintiff has made reasonable efforts to find a lawyer on his own and has been unsuccessful or that he has been prevented from making such efforts. *Jackson v. County of McLean*, 953 F.2d 1070 (7th Cir. 1992). To show that he has made reasonable efforts to find a lawyer, plaintiff must give the court the names and addresses of at least three lawyers who he has asked to represent him in this case and who turned him down. Plaintiff has not complied with this requirement. Even if plaintiff had submitted proof that three lawyers had declined to represent him, I would deny his motion for appointment of counsel.

In resolving a motion for appointment of counsel, a district court must consider both the complexity of the case and the pro se plaintiff's ability to litigate it himself. Pruitt v. Mote, 503 F.3d 647, 654-55 (7th Cir. 2007). In his motion, plaintiff says he is "not frequently eloquent in English speaking language or in writing of brief." However, his pleadings in this case and in his previous case, *Adefeyinti v. Dodge County Detention Facility*, 08-cv-319-slc, have been well written and easy to understand.

To help plaintiff represent himself, this court instructs pro se litigants at a preliminary pretrial conference, which will be scheduled as soon as defendants file a responsive pleading, about how to use discovery techniques available to all litigants so that he can gather the evidence he needs to prove his claim. In addition, pro se litigants are provided a copy of this court's procedures for filing or opposing dispositive motions and for calling witnesses, both of which were written for the very purpose of helping pro se litigants understand how these matters work. I cannot find at this time that plaintiff has shown he has any limitations that would interfere with his ability to represent himself in this matter.

With respect to the complexity of the case, there is nothing in the record to suggest that this case is factually or legally difficult. Plaintiff's claim is a straightforward Eighth Amendment claim that defendants were deliberately indifferent to his serious medical need. The law governing claims of denial of medical care is straightforward and was explained to plaintiff in the order entered in this case on September 4, 2008. Furthermore, plaintiff has personal knowledge of the circumstances surrounding his health care needs and lack of

treatment and he should already possess or be able to obtain through discovery relevant documentation he needs to prove his claim. In sum, at this time I can conceive of no reason why plaintiff cannot prosecute this claim on his own.

ORDER

IT IS ORDERED that plaintiff's motion for appointment of counsel, dkt. #8, is DENIED.

Entered this 3rd day of October, 2008.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge