IN THE UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF WISCONSIN

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DARYL STRENKE,

Plaintiff, ORDER

v. 09-cv-473-bbc

JOHN H. FEINER AND
ROBERT ALAN GLICKMAN,

Defendants.

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In an order entered in this case on August 4, 2010, Daryl Strenke's motion for appointment of counsel was denied without prejudice because it was too early in the case to assess plaintiff's ability to litigate his case despite plaintiff's medical concerns. Now, plaintiff has filed a renewed motion for appointment of counsel.

When plaintiff's last motion was denied, he was told that at this early stage of litigation it was not clear whether his medical condition would overwhelm his ability to litigate this case and that so far nothing in the record suggested the legal and factual ability to prosecute it. Pruitt v. Mote, 503 F3d 647, 654-55 (7th Cir. 2007). This situation has

not changed. The facts of the case are within plaintiff's personal knowledge and the court's procedures were explained to him in the November 8, 2010 pretrial conference order from the magistrate judge. Further, there is nothing in the psychological assessment report plaintiff has submitted that indicates he is incapable of prosecuting this action.

To date, plaintiff's submissions have been coherent and well written and reveal little evidence that his medical conditions and mental health problems have hindered his ability to prosecute this action. I urge plaintiff to consult the pretrial conference order. If at some point he does not understand something that is happening in this case, he may write the court for additional clarification about procedures.

For the reasons set out in the August 4 order, plaintiff's motion for appointment of counsel will be denied again, without prejudice to plaintiff's renewing it at a later time.

ORDER

IT IS ORDERED that plaintiff Daryl Strenke's motion for appointment of counsel, dkt. #62, is DENIED without prejudice to his renewing it at a later date.

Entered this 30th day of March, 2011.

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