

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

DEREK WILLIAMS,

Plaintiff,

v.

WILLIAM POLLARD and
LT. THOMAS CAMPBELL,

Defendants.

ORDER

09-cv-485-bbc

Plaintiff Derek Williams claims that defendants William Pollard and Lt. Campbell violated his procedural due process rights by either holding or upholding an unfair disciplinary hearing, that Pollard violated his equal protection rights by upholding a punishment against him that was harsher than the punishment given to the white inmate involved in the incident and that defendants violated his Eighth Amendment rights by the conditions in segregation. Defendants' motion for summary judgment is being briefed. Now before the court is plaintiff's motion for appointment of counsel, dkt. 35.

As a starting point, this court would appoint a lawyer to almost every pro se plaintiff if lawyers were available to take these cases. But they are not. Most lawyers do not have the time, the background or the desire to represent pro se plaintiffs in a pro bono capacity, and this court cannot make them. So the court only appoints counsel in cases where there is a demonstrated need, using the appropriate legal test.

As a first step plaintiff must make a reasonable effort to find a lawyer on his own. *Jackson v. County of McLean*, 953 F.2d 1070 (7th Cir. 1992). Plaintiff states that he has been unable to make contact lawyers because he is denied access to a telephone book to obtain addresses.

Next, the 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). Plaintiff says that he is unable to represent himself because he is in segregation status and because he lacks legal skills and knowledge. To help plaintiff, this court held a telephonic conference at which it explained the way things work in this court, including summary judgment procedures, then it mailed him the court's procedure governing summary judgment, which provides step-by-step instructions how to respond to defendants' motion. The court recently granted in part plaintiff's motion to compel discovery, allowing him to obtain information that could be helpful to his equal protection claim. *See* dkt. 33. The court then extended plaintiff's response deadline on defendants' summary judgment motion so that he would be able to use any information that might be disclosed to him pursuant to the discovery order. *See* dkt. 36.

Finally, I note that plaintiff's submissions to this court have been cogent and articulate, supported by case law citations and neatly typed. Plaintiff reports that a "jailhouse lawyer" is responsible for this and plaintiff is apprehensive that the prison has an "agenda of Retaliatory Terrorism" against plaintiff and his assistant, but nothing in the record suggests that plaintiff's fears are well-founded, or that he will be unable to prosecute this case adequately.

As for the complexity of the case, there is nothing in the record to suggest that this case is factually or legally difficult. Plaintiff has personal knowledge of relevant events and he should be able to obtain through discovery documents he needs to prove his claim. In sum, I am not persuaded that plaintiff's case is so complex or his skills and resources so inadequate that appointment of counsel is warranted at this time.

ORDER

IT IS ORDERED that plaintiff's motion for appointment of counsel, dkt. 35, is DENIED.

Entered this 26th day of August, 2010.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge