

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

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GLENDALE STEWART,

Plaintiff,

OPINION AND ORDER

v.

09-cv-554-slc

CAPITAL NEWSPAPERS, INC.,

Defendant.

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Judgment was entered in favor of defendant Capital Newspapers, Inc. in this Title VII action brought by plaintiff Glendale Stewart on November 24, 2010. Almost two years later, plaintiff has filed a motion in which he seeks appointment of counsel in this case and all of his past cases in this court. Dkt. 75.

It is not clear why plaintiff wants counsel to be appointed for him. The case is closed and he did not file an appeal. Plaintiff may want to vacate the judgment and retry the case from the beginning after counsel is appointed. However, the circumstances in which a party may reopen a case are limited and include circumstances such as newly discovered evidence or a fraud on the court. Fed. R. Civ. P. 60(b). Plaintiff has not shown that any of the grounds listed in Rule 60(b) is present in this case.

Even if I had discretion to vacate the judgment, plaintiff has not provided any grounds for appointing him counsel. In his motion, plaintiff says that his case was dismissed because he “failed to follow proper procedure,” but that is incorrect. Although plaintiff did not follow proper procedure in submitting or responding to proposed findings of fact, I gave him the benefit of the doubt and permitted him to support his facts with his unemployment hearing testimony

instead of an affidavit. I dismissed the case on summary judgment because even accepting plaintiff's proposed facts as true, I found that he failed to provide sufficient evidence of racial discrimination and harassment from which a reasonable jury could find in his favor. Although it is clear that plaintiff believes strongly that Capitol Newspapers wronged him, he has identified no reason that his case would have turned out differently if he had a lawyer. He repeats the same conclusory allegation that he has made in the past, that defendant "conspired to destroy [his] livelihood," but he cites no admissible evidence to support his belief. Under these circumstances, appointment of counsel would serve no useful purpose.

ORDER

IT IS ORDERED that plaintiff Glendale Stewart's motion for appointment of counsel (dkt. 75) is DENIED.

Entered this 9<sup>th</sup> day of November, 2012.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge