

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

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LAMONT D. WALKER,

Plaintiff,

v.

RYAN ARMSON, JAMES KOTTKA,  
LIEUTENANT KELLER, DYLAN RADTKE,  
and DALIA SULIENE,

Defendants.

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ORDER

10-cv-313-slc

Plaintiff, a prisoner at the Columbia Correctional Institution, is proceeding in this case on his claims that defendants Armson, Kottka, Keller, Radtke and Suliene were deliberately indifferent to his asthmatic condition and that defendant Keller used excessive force in violation of the Eighth Amendment. Now before the court are plaintiff's motion to compel discovery, dkt. # 46, and plaintiff's fourth motion for appointment of counsel, dkt. 51.

In his motion to compel, plaintiff asks for copies of the medical procedure manual, copies of asthma treatment plan, Health Services documents and portions of the Wisconsin Administrative Code. Defendants respond that they have made these documents available for plaintiff's review, but have advised plaintiff that he would have to pay for copies. This response complies with Fed. R. Civ. P. 34 (a)(1). Defendants are not required to make free copies for plaintiff. Therefore, his motion to compel the production of copies of these documents will be denied.

Also, plaintiff moves to compel the production of copies of "any and all rules, regulations and policies of the Columbia Correctional Institution about cell extraction tactics." Defendants object to producing these documents for security reasons. The court agrees that these documents need not be produced for security reasons. At this juncture, plaintiff is free to pose

interrogatories asking if a particular defendant complied with or failed to comply with his/her training while extracting prisoner from his cell; whether plaintiff is entitled to more information on this point will depend on the particular facts and circumstances of this case.

Finally, plaintiff seeks to compel defendants too produce copies of inmate complaints regarding unlawful living conditions. Defendants object to this request as vague and ambiguous. Defendants are correct, but plaintiff is free to narrow his request to obtain information that might tend to show defendants' prior knowledge of the conditions on which plaintiff has been granted leave to proceed. The motion to compel production of these complaints swill be denied without prejudice.

Plaintiff now asks for appointment of counsel because he is having difficulty getting an expert witness and that his reading level is below average. First, it does not appear at this point that an expert will be necessary in this case. Second, plaintiff is doing a capable job of representing himself. He has pursued discovery according to the Federal Rules of Civil Procedure and has responded appropriately to the defendants' motion to quash his discovery requests. At this time, plaintiff has not shown that appointment of counsel is warranted in his case and his fourth motion for appointment of counsel will be denied without prejudice. *Pruitt v. Mote*, 503 F.3d 647, 655 (7th Cir. 2007).

ORDER

IT IS ORDERED that:

1. Plaintiff's motion to compel discovery, dkt. 46, is DENIED.
2. His fourth motion for appointment of counsel, dkt. 51, is DENIED.

Entered this 19<sup>th</sup> day of January, 2011.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge