

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

LAMONT D. WALKER,

Plaintiff,

v.

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

Defendants.

ORDER

10-cv-313-slc

In an order entered in this case on September 20, 2010, I denied plaintiff's motion for appointment of counsel without prejudice because it was too early in the case to assess plaintiff's ability to litigate his case despite plaintiff's low level reading ability. Plaintiff has renewed his motion, has submitted an additional letter showing his attempt to locate an attorney to represent him, and has reiterated his belief that this case is too complex for him to handle on his own. Plaintiff's motion will be denied.

In his current motion, plaintiff essentially repeats the argument he made in his original motion: he cannot read well enough to litigate his case. When I denied plaintiff's original motion, I told him that at this early stage of the lawsuit, there is nothing in the record to suggest that he is incapable of gathering and presenting evidence to prove his claims. This situation has not changed. In the time that has passed since plaintiff filed his first motion, the court held a pretrial conference and the parties began taking discovery in this case. The copies of the discovery requests plaintiff has filed with the court, have been right on target and demonstrate that he is able to understand and follow court instructions. In addition, plaintiff successfully moved for the reconsideration of the dismissal of defendant Nickel from this lawsuit and was able to make a well-formed legal argument for her inclusion in the suit.

Plaintiff's filings have been coherent and well written and reveal little evidence that his reading level has hindered his ability to prosecute this action. If at some point plaintiff's reading problems make it too difficult for him to understand something that is happening in this case, he remains free to write to the court to ask for clarification. Therefore, for the reasons expressed in the September 20 order, plaintiff's second motion for appointment of counsel will be denied, again without prejudice.

ORDER

IT IS ORDERED that plaintiff's second motion for appointment of counsel, dkt. #32, is DENIED.

Entered this 22nd day of October, 2010.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge