

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

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SALAAM JOHNSON

Plaintiff,

v.

LIEUTENANT PRIMMER, *et al.*,

Defendants.

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ORDER

10-cv-316-slc

Plaintiff Salaam Johnson is proceeding in this action against defendants Ellen Ray, Gary Boughton and Lieutenants Primmer and Hanfeld. Plaintiff has filed a motion for appointment of a guardian ad litem, stating that he is incompetent to proceed and that he lacks the legal acumen of a well-trained lawyer. I am denying this motion because Johnson has not demonstrated that he is incompetent to proceed. Johnson has not submitted any evidence showing that he has been declared incompetent by the state and he has not submitted the opinion of an expert that Johnson needs an expert; in short, Johnson has not presented anything except his own say-so that he requires a guardian.

I am denying Johnson's request without prejudice, which means that later in this case he is free to renew his motion for a guardian or to file a motion for appointment of counsel. Johnson should understand that litigants in civil cases do not have a constitutional right to a lawyer; judges have the discretion to determine whether appointment of counsel is appropriate in a particular case. *Pruitt v. Mote*, 503 F.3d 647, 656 (7th Cir. 2007). In general, appointment is appropriate only in those relatively few cases in which it appears from the record that the legal and factual difficulty of the case exceeds the plaintiff's demonstrated ability to prosecute the case. *Id.* at 655. While there is no doubt that Johnson lacks the legal training of an attorney, this is a near-universal handicap among pro se litigants, so this alone will not serve as reason to provide an attorney for Johnson.

ORDER

IT IS ORDERED that plaintiff's motion for appointment of a guardian ad litem, dkt. 25, is DENIED.

Entered this 30<sup>th</sup> day of November, 2010.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge