

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

DAMIEN GREEN,

Plaintiff,

v.

ORDER

10-cv-485-slc

DARCI BURRESON, JENNIFER NICKELS,
KIM CAMPBELL, STEVE HELGERSON,
LORI ALSUM, DALIA SULIENE, PAUL PERSSON,
PAUL KETARKUS, NANCY HAHNISCH, NATALIE
NEWMAN, SHAWNA ELDER, JEFF VANA and
KIMM JOHNSON,

Defendants.

Plaintiff is proceeding in this action on his claims that defendants failed to provide him with adequate medical treatment in violation of the Eighth Amendment. Now, plaintiff has filed a second motion for appointment of counsel. Like plaintiff's first motion for appointment of counsel, this motion is premature and will be denied.

In the time that has passed since plaintiff filed his first motion, little has changed with plaintiff's lawsuit. In fact, in his current motion, plaintiff advances the same arguments, nearly verbatim, that he made in his original motion. When the court denied his first motion, plaintiff was told at this early stage of the lawsuit, there is nothing in the record to suggest that the legal and factual difficulty of the case exceeds his demonstrated ability to prosecute it. *Pruitt v. Mote*, 503 F.3d 647, 654-55 (7th Cir. 2007) . This situation has not changed. The facts of the case are within plaintiff's personal knowledge, and the law governing plaintiff's claims was explained to him in the January 21, 2011 order granting him leave to proceed. After the defendants file a responsive pleading, I will hold a pretrial conference with the parties. At the preliminary pretrial conference, plaintiff will be instructed about how to use discovery techniques available to all litigants so that he can gather the evidence he needs to prove his claim. Also, I will send

plaintiff a copy of this court's procedures for filing or opposing dispositive motions and for calling witnesses, both of which were written for the very purpose of helping pro se litigants understand how these matters work.

To date, plaintiff's submissions have been coherent and well written and reveal little evidence that his mental health issues have hindered his ability to prosecute this action. If at some point plaintiff does not understand something that is happening in this case, he is free to write to the court for additional clarification about procedures. Therefore, plaintiff's second motion for appointment of counsel will be denied, again without prejudice to plaintiff's renewing it at a later time.

ORDER

IT IS ORDERED that plaintiff's second motion for appointment of counsel, dkt. 18, is DENIED without prejudice.

Entered this 31st day of January, 2011.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge