

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

DAMIEN GREEN,

Plaintiff,

ORDER

v.

DARCI BURRESON, *et al.*

10-cv-485-slc

Defendants.

For the third time in this case, plaintiff has moved for appointment of counsel. Plaintiff's first two motions were denied as premature. After examining carefully the complexity of this case against plaintiff's ability to litigate his claim, I am denying plaintiff's third motion as well.

Plaintiff uses the exact same arguments in this third request as he did in his first two, but he has added two Review of Offender in Observation forms that indicate plaintiff was put in observation because he was dangerous to himself. Plaintiff also provides 18 attorney rejection letters to show that he has attempted to obtain an attorney on his own. While I give plaintiff credit for his tenacious self help in this matter, in deciding whether to appoint an attorney in a civil case, the court must consider both the complexity of the case and the plaintiff's ability to litigate it himself. *Pruitt v. Mote*, 503 F.3d 647, 654-55 (7th Cir. 2007). Although plaintiff has submitted observation reports to show that he has mental health challenges, there is no indication that he is incapable of prosecuting this case. To the contrary, plaintiff's numerous submissions to the court in both this lawsuit and others belie his assertion that counsel is necessary. He has not shown that these challenges prevent him from representing himself in this case.

Plaintiff should be aware that it is commonplace for pro se litigants to lack legal knowledge. This is why at the June 10, 2011 preliminary pretrial conference held in this case, he was instructed about the procedures for using discovery to gather the evidence he needs to prove his claim. Also,

he was provided a copy of the 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. Plaintiff's limited knowledge of the law is not a circumstance warranting appointment of counsel.

As for the complexity of this lawsuit, there is nothing in the record to suggest that this case is factually or legally difficult. Plaintiff's case raises a straightforward Eighth Amendment claim of denial of medical care. The applicable law was explained to him in the January 21, 2011 order granting him leave to proceed. In addition, plaintiff has personal knowledge of the treatment he did or did not get, and he should be able to obtain access to his own medical records to corroborate this information. In sum, because plaintiff has submitted no new argument that persuades me to reach a different conclusion than I reached in my January 31, 2011 decision, I will deny his third motion for appointment of counsel.

ORDER

IT IS ORDERED that plaintiff's third motion for appointment of counsel, dkt. # 51, is DENIED.

Entered this 21st day of June, 2011.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge