

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

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CHRISTOPHER M. SANDERS,

Plaintiff,

v.

JEFF PUGH and DR. SEARS,

Defendants.

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ORDER

11-cv-202-slc

Plaintiff Christopher Sanders is proceeding in this case on his claim that defendants Jeff Pugh and Dr. Sears violated his rights under the Eighth Amendment by exhibiting deliberate indifference to his serious medical needs and defendant Sears violated his rights under the First Amendment by retaliating against him.. Now before the court are plaintiff's motions to compel discovery and motion for appointment of counsel.

On August 25, 2011, plaintiff moved to compel discovery. Defendants responded that the discovery was timely sent to him on August 24, 2011. On September 8, 2011, plaintiff renewed his motion to compel discovery, stating that the responses he had received were not sufficient.

Plaintiff requested all records from SCI and DCI concerning his dental issues. Defendants responded that plaintiff may ask to see his medical records at the Health Services Unit, then may review them for free and may pay for copies of the documents he needs. This is an adequate response.

Next, plaintiff requested the names and booking numbers of inmates housed in Unit 3-C between August 2 and August 20, 2010 because he believes them to be victims of the defendants. Defendant objected to this request as overly broad, unspecific and burdensome and not likely to lead to the discovery of admissible evidence. They are correct: this case is about plaintiff's dental treatment and it is not likely that other inmates could provide admissible evidence on that issue.

Plaintiff seeks the name of all officers and sergeants working in Unit 3-C between August 2 and August 20, 2010. Defendants object that this request is overly broad and burdensome. They have provided the names of the officers, nursing staff and dental staff working on the two specific days at issue in this lawsuit and the names of the nurses and dental staff who evaluated plaintiff at Dodge Correctional Institution. This response is sufficient. Plaintiff's motion to compel further discovery will be denied.

Turning to plaintiff's third motion for appointment of counsel, plaintiff asks that he be appointed counsel because he is having difficulty dealing with the assistant attorney general (AAG). As this court already has explained, it would appoint a lawyer to almost every pro se plaintiff if lawyers were available to take these cases, but they are not. Most lawyers do not have the time, the background or the desire to represent pro se plaintiffs in a pro bono capacity, and this court cannot make them. So the court only appoints counsel in cases where there is a demonstrated need, using the appropriate legal test. *Pruitt v. Mote*, 503 F.3d 647, 655 (7th Cir. 2007).

A bald proclamation that the AAG defending this case is acting unethically and immorally does not demonstrate a need for appointment of counsel. The Office of the Attorney General represents Department of Corrections employees in about 200 new prisoner lawsuits in this court every year. In this court's experience, the AAGs defending these cases handle them fairly and behave ethically. If anything, the AAGs often are more helpful to prisoner litigants than the rules or the law require because they know that this court expects them to go the extra mile, and because it actually makes the cases run more smoothly. Plaintiff has submitted no evidence that the AAG in this case has said anything or has acted or failed to act in any fashion that would raise even a suspicion of misbehavior.

Further, plaintiff has submitted no new information that persuades the court to change the June 21, 2011 decision to deny plaintiff's second motion for appointment of counsel. There

is nothing in the record to suggest that this case is factually or legally difficult. Plaintiff has personal knowledge of the circumstances surrounding the events and he should be able to obtain through discovery or already possess relevant documentation he needs to prove his claim.

At the end of July, the court held the telephonic preliminary pretrial conference at which the court pointed plaintiff toward the federal civil discovery rules that he may use to gather the evidence relevant to his claim, then the court sent plaintiff this court's procedures for filing or opposing dispositive motions and for calling witnesses, both of which were written to help prosecute litigants understand how these things work. In fact, plaintiff has been conducting discovery and prosecuting his case aggressively. In sum, I am not persuaded that plaintiff's case is so complex or his skills so lacking that appointment of counsel is warranted at this time.

#### ORDER

IT IS ORDERED that:

1. Plaintiff's motions to compel discovery, dkts. 20 and 23, are DENIED.
2. Plaintiff's third motion for appointment of counsel, dkt. 21, is DENIED WITHOUT PREJUDICE.

Entered this 14<sup>th</sup> day of September, 2011.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge