

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

LARRY RAY HOLMON,

Plaintiff,

v.

DR. LORIA LOYDA, *et al.*,

Defendants.

ORDER

11-cv-234-slc

Plaintiff Larry Holmon is proceeding in this case on his claims that defendants failed to provide him with adequate medical treatment in violation of the Eighth Amendment. On August 31, 2011, Holmon filed a motion for summary judgment and the court has set briefing on that motion. Now before the court is Holmon's second motion for appointment of counsel, *see* dkt. 39. Like Holmon's first motion for appointment of counsel, this motion is premature and will be denied.

When Holmon's previous motion was denied, he was told that at this early stage of litigation it was not clear whether his mental health issues would compromise his ability adequately to litigate this case, and that so far nothing in the record suggested the legal and factual ability to prosecute it. *Pruitt v. Mote*, 503 F3d 647, 654-55 (7th Cir. 2007). This situation has not changed. The facts of the case are within Holmon's personal knowledge. The court's procedures were explained to him in the July 14, 2011 pretrial conference order. Further, Holmon was able to follow those procedures and has submitted an early motion for summary judgment, *see* dkt. 43, and he has engaged in an active motion practice regarding discovery, *see* dkts. 35-37.

To date, Holmon's handwritten submissions have been sufficiently coherent and reveal little evidence that his mental health issues have hindered his ability to prosecute this action.

Holmon should continue to consult the pretrial conference order as a guide and reference. If at some point he does not understand something that is happening in this case, he may write the court for additional clarification about procedures.

At this stage in the proceedings, for the reasons set out in the July 18, 2011 order, Holmon's motion for appointment of counsel will be denied again, without prejudice to Holmon's renewing it at a later time.

ORDER

IT IS ORDERED that plaintiff Larry Holmon's second motion for appointment of counsel, dkt. 49 is DENIED without prejudice.

Entered this 14th day of September, 2011.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge