

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

DOMINIQUE T. GULLEY,

Plaintiff,

v.

DR. SHANA LINDOW BECKER,

Defendants.

ORDER

11-cv-704-wmc

Plaintiff Dominique Gulley, a prisoner at the Wisconsin Secure Program Facility, is proceeding in this case on his claims that defendant has failed to provide him with adequate mental health treatment under the Eighth Amendment. Now before the court is plaintiff's second motion for appointment of counsel, *see* dkt. 15. Like plaintiff's first motion for appointment of counsel, this motion is premature and will be denied.

When plaintiff's previous motion was denied, he was told that the first step in determining whether he qualified for court appointed counsel was to submit the names and addresses of at least three attorneys who declined to represent him in this case. Plaintiff has now cleared that first hurdle. Even so, it is too early in the case and plaintiff has not provided enough information for this court to determine whether this case is so complex that plaintiff cannot handle it on his own.

The two motions for appointment of counsel that plaintiff has filed, *see* dkt. 4 and dkt. 15 have been submitted on a Wisconsin Circuit Court form which consists solely of plaintiff's financial information. Although this petition may suffice to appoint a public defender in state court, it does not provide this court with the information needed to assess plaintiff's abilities to litigate this federal civil action. Plaintiff will need to provide more information about his education, mental health and other abilities in order to make a showing that court appointed counsel is required in this case.

Plaintiff should know that this court will try to make litigating this case as easy for him as possible. A preliminary pretrial conference in this case is scheduled for January 13, 2012. At the

conference, I will set a schedule and will provide plaintiff with information about how to use discovery techniques to gather the evidence he needs to prove his claims, how to prepare for summary judgment motions, and how to prepare for trial. At the conference, plaintiff is free to ask any procedural questions he may have.

The court recognizes that a lawyer could do a better job for plaintiff than he can do for himself, but we don't have nearly enough lawyers available to handle all of the prisoner cases filed in this district. If we had enough lawyers, we would appoint an attorney in almost every case, but we get over 200 new pro se lawsuits every year, and we only have about 10 to 15 lawyers who are willing and qualified to accept a pro bono assignment to a prisoner civil rights lawsuit. As a result, the court has no choice but to limit appointment of counsel to the cases in which it is clear that the plaintiff's claims are so complicated that they exceeded his ability to prosecute them and that the plaintiff must have the assistance of a lawyer.

At this early stage of the lawsuit plaintiff appears capable of litigating the case himself. However, things can change. As this case moves forward, it may become clear that plaintiff meets the requirements for the appointment of a pro bono attorney. Accordingly, plaintiff's renewed motion for appointment of counsel will be denied. The denial, however, is without prejudice to plaintiff renewing his motion at a later stage of the proceedings.

ORDER

IT IS ORDERED that plaintiff Dominique Gulley's motion for appointment of counsel, dkt. 15, is DENIED without prejudice.

Entered this 30th day of December, 2011.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge