

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

JESSIE WILLIAMS,

Plaintiff,

v.

FRAN MONROE-JENNINGS,

Defendant.

ORDER

12-cv-135-bbc

Plaintiff Jessie Williams, a prisoner at the Waupun Correctional Institution, is proceeding in this case on his claims that defendant failed to provide him with adequate medical treatment under the Eighth Amendment. Now before the court is plaintiff's motion for appointment of counsel, *see* dkt. 14. Plaintiff's motion for appointment of counsel will be denied without prejudice.

In deciding whether to appoint counsel, I must first find that plaintiff has made reasonable efforts to find a lawyer on his own and has been unsuccessful or that he has been prevented from making such efforts. *Jackson v. County of McLean*, 953 F.2d 1070 (7th Cir. 1992). To show that he has made reasonable efforts to find a lawyer, plaintiff must give the court the names and addresses of at least three lawyers who he has asked to represent him in this case and who turned him down. Plaintiff submitted two attorney rejection letters dated March 28, 2010 and March 4, 2011, well before plaintiff filed this lawsuit in February 2012. Plaintiff has had several prior lawsuits in this court including two cases filed in 2010 and three cases filed in 2011. Accordingly, I am unable to conclude that plaintiff has made a reasonable effort to secure counsel to represent him in *this* case.

Moreover, even if plaintiff had submitted proof that three lawyers had declined to represent him, I would deny his motion for appointment of counsel at this point because it is too early to tell whether the complexity of the case is beyond plaintiff's ability to litigate it.

In his motion, plaintiff states that in the past he has received help from "mildly dependable" inmates, but now he is in segregation with limited access to the law library and that the issues in this case are too complex for him to litigate on his own. In addition, plaintiff states that he reads below a fifth grade level and that he is mentally challenged and lacks understanding of the complete nature of these proceedings. Plaintiff attempts to support these assertions with documents that show that he has spent time in observation status and has suffered from thoughts of self-harm. However, plaintiff has not submitted any documentation backing up his assertions about his level of education or other mental handicaps. Furthermore, plaintiff's filings have been well written and appropriately directed. So far, plaintiff has provided scant evidence that would suggest plaintiff is incapable of gathering and presenting evidence to prove his claims.

The court will try to make litigating this case as easy for plaintiff as possible. The facts of this case are within plaintiff's personal knowledge, and the law governing plaintiff's claims was explained to him in the April 5, 2012 order granting him leave to proceed. In addition, on June 5, 2012, plaintiff participated in a pretrial conference and received a copy of this court's written pretrial order which was written for the very purpose of helping pro se litigants understand how federal civil cases work in this court. Plaintiff is encouraged to re-read the pretrial conference order and if at some point, he does not understand what to do in this case, plaintiff is free to write to the court for additional clarification about procedures.

Plaintiff's mental health issues may present a legitimate concern, but he has not yet shown that they have affected his litigation of this case. As this case progresses, it might become clear that appointment of counsel is required, but this is not clear right now. At this time I will deny plaintiff's motion. Plaintiff is free to renew his motion for appointment of counsel at a later time if he feels incapable of representing himself as the case proceeds, but he will have to provide the court the names and addresses of at least three lawyers who he has asked to represent him in this case and who turned him down.

ORDER

IT IS ORDERED that plaintiff Jessie Williams' motion for appointment of counsel, dkt. 14, is DENIED without prejudice.

Entered this 23rd day of July, 2012.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge