

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

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ISAIAH BELL, JR.,

Plaintiff,

v.

MICHAEL MEISNER, *et al.*,

Defendants.

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ORDER

12-cv-297-wmc

Plaintiff Isaiah Bell was allowed to proceed on his Eighth Amendment claims that defendants failed to protect him from acts of self-harm and that defendants failed to surgically remove objects he had swallowed. In addition, plaintiff is proceeding on claims that defendants Hooper sexually assaulted him during a strip search and defendant Breedeman allowed the assault to happen. Defendants filed an answer on December 10, 2012 and a pretrial conference is scheduled for January 10, 2012. In the order granting plaintiff leave to proceed in this case, the court denied plaintiff's motion for court appointed counsel. Plaintiff now moves for reconsideration. Plaintiff states that when the court considered plaintiff's ability to litigate this case, it did not know that he had been assisted by another inmate who no longer can help him and that the court did not take into consideration plaintiff's mental health records.

Although it is true that there is no mention of the assistance plaintiff had been receiving from his jailhouse lawyer, the fact that plaintiff may no longer be receiving legal help from the prisoner who has been helping him is not an exceptional circumstance warranting appointment of counsel. In addition, it is too early in this case for the court to know whether plaintiff's mental health issues will actually prevent plaintiff from representing himself in this case. It appears from the Release/Transfer Summary document provided by plaintiff that his specific

mental health concerns relate to his borderline personality disorder and antisocial tendencies. Although plaintiff asserts he has a low IQ and reads at a fourth grade level he has not submitted documentation backing up these assertions.

The court will try to make litigating this case as easy for plaintiff as possible. At the January 10, 2013 telephonic preliminary pretrial conference, I will talk directly to plaintiff about his case and tell what he needs to do to keep his lawsuit on track in this court. Plaintiff will have an opportunity to ask questions about this court's procedures. After the hearing, the court will mail to plaintiff an order that we in all prisoner cases that repeats and expands on the explanations at the telephonic hearing. The court drafted this order for the very purpose of helping pro se litigants understand the way things work in pro se prisoner cases to like his. Then plaintiff will have some time to see how well he manages his lawsuit on his own.

This court does not do these things in order to make it hard for pro se prisoner litigants to pursue their claims. We have no real choice but to do these things because we have so few pro bono lawyers willing to take these cases (about 10 or 15, total) and so many pro se prisoner lawsuits (around 300 every year). This means that the court must require all prisoner litigants to do the best they can without a lawyer and then have the court consider the matter again later in the case if the prisoner litigant renews his request. As this case moves forward, it might become clear that appointment of counsel is required, but this is not clear right now, so for now I will deny plaintiff's motion for reconsideration without prejudice.

ORDER

IT IS ORDERED that plaintiff's motion for reconsideration of the denial of his motion for appointment of counsel, dkt. 27, is DENIED.

Entered this 19<sup>th</sup> day of December, 2012.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge