

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

---

JOHNNY LACY,

Plaintiff,

v.

DR. SCOTT HOFTIEZER, JAMES GREER,  
DR. DAVID BURNETT and DR. BURTON COX,

Defendants.

---

ORDER

12-cv-397-bbc

Plaintiff Johnny Lacy is proceeding in this case on his Eighth Amendment claims that defendants failed to treat plaintiff's diabetes, hepatitis C and severe pain. Plaintiff recently filed a renewed request for assistance in the recruitment of counsel, to which he attached four additional letters from attorneys who have declined to represent him in this case. *See* dkt. 42. I am denying plaintiff's renewed motion at this time.

The main reason is that the court doesn't have enough lawyers available to appoint one to represent this plaintiff in this lawsuit at this time. If this court had enough lawyers, then we would recruit an attorney for almost every pro se case. But we don't have anywhere near enough attorneys to do this. This court handles over 200 new pro se lawsuits every year, but there are only about 10 to 15 lawyers who are willing and qualified to accept a pro bono assignment to a prisoner lawsuit, and they take at most one new case a year. As a result, the court has no choice but to limit appointment of counsel to those cases in which it is clear under the applicable legal test that the plaintiff must have the assistance of a lawyer.

There is nothing in the record to suggest that plaintiff's is incapable of gathering and presenting evidence to prove his claims or that plaintiff's claims are so complicated that they exceed his demonstrated ability to prosecute this action. *Pruitt v. Mote*, 503 F.3d 647, 654-55

(7th Cir. 2007). Plaintiff's submissions have been well-written and they demonstrate that he is able to understand and follow court instructions.

Furthermore, plaintiff has submitted no new information that persuades the court to change the February 4, 2013 decision to deny plaintiff's second motion for appointment of counsel. All plaintiff has done is submit four more letters from lawyers who have declined to take his case. Plaintiff has personal knowledge of the circumstances surrounding his lawsuit and he should be able to obtain through discovery or already possess relevant documentation he needs to prove his claim. Instead of consulting case law, plaintiff should focus on the facts surrounding his claim. It might be helpful for plaintiff to carefully re-read the November 1, 2012 pretrial conference order and do the best he can to follow the steps explained in the order to gather any additional evidence he thinks he might need. If at some point plaintiff does not understand something that is happening in this case, he is free to write to the court to ask questions about court procedures that the court will do its best to answer.

Accordingly, IT IS ORDERED that plaintiff Johnny Lacy's third motion for assistance in the recruitment of counsel, dkt. 42, is DENIED WITHOUT PREJUDICE.

Entered this 20<sup>th</sup> day of June, 2013.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge