

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

ERIC T. HALL,

Plaintiff,

v.

ORDER

12-cv-788-bbc

GREGORY GREGERSON, BRYAN LEE,
RON KRAMER, RICHARD GEARHART,
LISA DITLEFSEN, MARK OTT,
FRANK TOMLANOVICH,
CHARISSE ROZGA-ANDERSON,
JOHN DOE (1), JOHN DOE (2),
MARIE BETH VARRIALE,
JENNIFER NAUGLE, DENISE JONES,
MICHAEL FELTON, KRISTI GRUEBELE
and JOHN DOE PAROLE AGENT

Defendant.

In the February 31, 2013 order granting plaintiff Eric Hall leave to proceed in this case, the court denied plaintiff's motion for assistance in recruiting counsel without prejudice because he had not submitted proof that he made reasonable efforts to find a lawyer on his own and because it was too early in the case to determine plaintiff's ability to litigate his case on his own. Now, plaintiff has filed a renewed motion for recruitment of counsel. Because plaintiff has provided a third letter from a lawyer who has declined to represent him, I find that plaintiff has shown that he has made reasonable efforts to obtain legal representation. Even so, plaintiff's renewed motion for assistance recruiting counsel will be denied.

As a starting point, if this court had enough lawyers, we would appoint an attorney in almost every case. However, this court handles over 200 new pro se lawsuits every year and there are only about 10 to 15 lawyers who are willing and qualified to accept a pro bono

assignment to a prisoner lawsuit. As a result, the court has no choice but to limit recruitment of counsel to the cases in which it is clear, under the appropriate test, that the plaintiff must have the assistance of a lawyer.

As his reasons for requesting counsel in his current motion, plaintiff says that he does not understand “how things work” and that he “needs someone who knows what they are doing to help find what is needed to expose what I have been through.” These are not sufficient reasons to recruit counsel because these handicaps are universal among pro se litigants. To help plaintiff in this regard, however, this court will hold a telephonic preliminary pretrial conference, which is scheduled for May 17, 2013. At this conference, we will talk about how plaintiff can gather any additional evidence he needs to prove his claims. Plaintiff will receive a copy of this court’s procedures which were written for the very purpose of helping pro se litigants keep their cases on track toward the best available outcome. In addition, plaintiff will be free to ask procedural questions during the telephonic conference. After that, if at some point plaintiff does not understand something that is happening in this case, then he may write to the court to ask for clarification.

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 exceeded his demonstrated ability to prosecute this action. *Pruitt v. Mote*, 503 F.3d 647, 654-55 (7th Cir. 2007). The law concerning plaintiff’s claim was explained to him in this court’s February 13, 2013 order and plaintiff has personal knowledge of the circumstances surrounding his lawsuit. If he does not have copies of documents he needs to prove his claim, he can use discovery to obtain any additional information he needs to make his case.

In sum, I am not persuaded that plaintiff's case is so complex or his skills so lacking that appointment of counsel is warranted at this time. Accordingly, plaintiff's second motion for appointment of counsel will be denied, again without prejudice to plaintiff's renewing it at a later stage of the proceedings .

ORDER

IT IS ORDERED that plaintiff's second motion for appointment of counsel, dkt. 43, is DENIED without prejudice.

Entered this 10th day of May, 2013.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge