

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

MARC G. CRAVEN,

Plaintiff,

v.

SHERIFF DAVID MAHONEY, and
JENNIFER FRISQUE,

Defendants.

ORDER

12-cv-524-wmc

In a previous order, the court granted plaintiff Marc G. Craven leave to proceed on Eighth Amendment claims that defendants David Mahoney and Jennifer Frisque acted with deliberate indifference to his mental health needs and that Mahoney has denied him basic needs during his confinement at the Dane County Jail. (Dkt. #6.)¹ Before the court is Craven's motion for assistance in recruiting legal counsel. In deciding whether to appoint counsel, the court must first find that (1) a plaintiff has made reasonable efforts to find a lawyer on his own and has been unsuccessful, or (2) he has been prevented from making such an effort. *Jackson v. County of McLean*, 953 F.2d 1070, 1072-73 (7th Cir. 1992). To prove that he has made a reasonable effort to find a lawyer, a plaintiff must normally give the court the names and addresses of at least three lawyers that he asked to represent him on the issues on which he has been allowed to proceed and who turned him down. Craven has met this requirement. (Affidavit of Marc G. Craven ("Craven Aff.") (dkt. #12) (attaching three letters from attorneys declining to represent him).)

¹ In his complaint and this court's order, defendant Jennifer Frisque was identified as MHS Jennifer. The caption has been changed to reflect the complete name of that defendant.

The next question is whether Craven meets the legal standard for recruitment of counsel, in the sense that the legal and factual difficulty of the case exceeds his ability to prosecute it. *Pruitt v. Mote*, 503 F.3d 647, 654, 655 (7th Cir. 2007). Craven claims that he suffers from post-traumatic stress disorder and auditory hallucinations and is on psychotropic medications which cause side effects. (Craven Aff. (dkt. #12) ¶¶ 2-3.) Despite these detriments, the materials Craven has submitted to the court thus far suggest that he is highly literate and familiar with the legal system. Indeed, in the realm of pro se prison litigators, he ranks near the top in terms of competence.

Craven also states that he “doesn’t understand the law to[o] well.” (*Id.* at ¶ 4.) Unfortunately, this is true for the vast majority of pro se litigants. Although there is no doubt that a lawyer would be able to help Craven, it is simply too early to tell if he lacks the ability to litigate his case at this stage of the proceedings or if the merits of his claims justify the court’s efforts to recruit counsel. Accordingly, the motion will be denied without prejudice to his filing at a later time.

ORDER

IT IS ORDERED that plaintiff Marc G. Craven’s motion for assistance in recruitment of counsel (dkt. #11) is DENIED without prejudice to his seeking assistance again at a later time.

Entered this 31st day of December, 2013.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge