

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

JAMES ROBERT TURNER,

Plaintiff,

v.

MICHAEL RATA CZAK,

Defendant.

MEMORANDUM

13-cv-48-jdp

In this case pro se prisoner James Turner is proceeding on a claim that defendant Michael Rataczak, a correctional officer at the Columbia Correctional Institution, used excessive force against him by slamming him against the wall and punching his face without provocation. In a June 18, 2014 order, Judge James Peterson denied defendant's motion for summary judgment. At the June 20, 2014 telephonic conference to reschedule the trial date, I granted plaintiff's renewed motion for assistance of volunteer counsel and stated the court would begin the process of locating an attorney.

Now, attorneys Michelle Umberger, Christopher Hanewicz and Rodger Carreyn have agreed to represent plaintiff, with the understanding that they will serve with no guarantee of compensation for their services. It is this court's intention that the scope of these lawyers' representation extends to proceedings in this court only. Additionally, the court intends the scope of representation to be limited to litigating his current claims at trial; it will be unnecessary for counsel to file an amended complaint or otherwise relitigate matters already completed.

Plaintiff should understand that because he is now represented in this case, he may not communicate directly with the court from this point forward. He must work directly with his lawyers and must permit them to exercise their professional judgment to determine which matters are appropriate to bring to the court's attention and in what form. Plaintiff does not

have the right to require counsel to raise frivolous arguments or to follow every directive he makes. He should be prepared to accept the strategic decisions made by his lawyers even if he disagrees with some of them. If plaintiff decides at some point not to work with these lawyers, he is free to end their representation, but he should be aware that it is unlikely that the court will work to recruit a second set of lawyers to represent him.

Following the June 20 telephonic conference, I set a new schedule for resolving the case, including an October 6 trial date. As noted in that order, the court would appreciate input from plaintiff's attorneys as to whether they are comfortable with these dates or would like to move things around.

Entered this 15th of July, 2014.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge