

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

SYLVESTER JACKSON,

Plaintiff,

v.

DEBRA TIDQUIST, KENNETH ADLER,
GEORGIA KOSTOHRYZ and GREG MEIER,

Defendants.

ORDER

13-cv-662-bbc

Pro se prisoner Sylvester Jackson is proceeding on claims under the Eighth Amendment that (1) defendants Debra Tidquist and Kenneth Adler discontinued his insulin for treating his diabetes; and (2) defendants Greg Meier and Georgia Kostohryz refused to provide any treatment to plaintiff when his blood sugar levels were high. Defendants filed a motion for summary judgment on both claims on August 29, 2014; plaintiff's response is due September 29, 2014.

Now before the court is plaintiff's motion for appointment of counsel, which I construe as a motion for assistance in recruiting counsel under 28 U.S.C. § 1915(e)(1). I am denying the motion because I am not persuaded that plaintiff has met the relevant standard, which is whether the complexity of the case exceeds plaintiff's ability to litigate it. Pruitt v. Mote, 503 F.3d 647, 655 (7th Cir. 2007).

In his motion, plaintiff relies on Jackson v. Hepp, 558 F. Appx 689, 690 (7th Cir.

2014), in which the Court of Appeals for the Seventh Circuit concluded that plaintiff was entitled to assistance in recruiting counsel. However, Hepp is not particularly instructive because it was a more complicated case involving more defendants and multiple, chronic medical conditions. This case involves a short period of time in which plaintiff went without insulin. As I noted in the screening order, a primary question will be whether plaintiff suffered any serious health consequences because of the alleged deprivation, an issue about which plaintiff can testify from his own personal knowledge. In addition, a review of defendants' summary judgment brief reveals that another threshold question is whether plaintiff's insulin had been discontinued because medical staff and plaintiff agreed that he did not need it anymore. Again, this is an issue that does not require expert testimony or extensive discovery.

Plaintiff's filings in this case and others show that he is capable of preparing a declaration, gathering and submitting documents and setting out his arguments in a brief. At this point, that is all plaintiff needs to do. If plaintiff defeats defendants' motion for summary judgment, he is free to make a new request for assistance in recruiting counsel at that time.

ORDER

IT IS ORDERED that plaintiff Sylvester Jackson's motion for assistance in recruiting

counsel, dkt. #27, is DENIED.

Entered this 19th day of September, 2014.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge