

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

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DARREYLL T. THOMAS,

Plaintiff,

v.

DEPUTY MICHEAL REESE, *et al.*,

Defendants.

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ORDER

13-cv-597-wmc

Plaintiff Darreyll T. Thomas has filed a proposed civil action pursuant to 42 U.S.C. § 1983, concerning the conditions of his confinement at the Dane County Jail. By order of this court, plaintiff was found eligible for leave to proceed *in forma pauperis* and directed to remit an initial, partial payment toward the filing fee as required by 28 U.S.C. § 1915(b)(1). (Dkt. #5.) In that order, the court denied plaintiff's motion for "appointment of counsel" as premature. (*Id.* at 3.) The court explained further that there was no constitutional or statutory right to appointed counsel for civil litigants like the plaintiff, but that he could request assistance in locating a volunteer *after* his complaint had been screened as required by the Prison Litigation Reform Act, 28 U.S.C. § 1915A.

Plaintiff has made a partial payment of the filing fee as directed and also filed a second motion for "appointment" of counsel, which must be denied for two reasons. First, the court has not yet completed the screening process required by § 1915A. Second, as explained previously, the court cannot appoint counsel for an indigent civil litigant. Although plaintiff may qualify for court assistance in locating a volunteer

attorney to take his case *pro bono*, he does not meet the threshold requirement for assistance at this time.

The court will advise plaintiff in a separate order once the screening process is completed in his case. If allowed to proceed past the screening stage, then plaintiff may re-file his request for counsel if: (1) he has satisfied the threshold requirement for court assistance in recruiting counsel by showing that *he* personally has made reasonable efforts to find a lawyer by providing the names and addresses of at least three lawyers that he has asked to represent him in this case and who turned him down, *Jackson v. County of McLean*, 953 F.2d 1070, 1072-73 (7th Cir. 1992); and (2) he demonstrates that exceptional circumstances exist that would benefit from the assistance of trained legal counsel. *See Santiago v. Walls*, 599 F.3d 749, 763-64 (7th Cir. 2010); *Pruitt v. Mote*, 503 F.3d 647, 653-56 (7th Cir. 2007) (en banc).

#### ORDER

IT IS ORDERED that plaintiff's motion for appointment of counsel (dkt. # 8) is DENIED.

Entered this 31st day of October, 2013.

BY THE COURT:

/s/

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WILLIAM M. CONLEY  
District Judge