

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

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DARREYLL T. THOMAS,

Plaintiff,

v.

ROMAN KAPLAN, DAHLIA SULIENE,  
KAREN ANDERSON and MICHAEL MIESNER,

Defendants.  
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ORDER

14-cv-675-bbc

Pro se prisoner Darreyll T. Thomas is proceeding on claims that several prison officials violated the Eighth Amendment and state law by failing to provide plaintiff medical care for injuries arising from a gunshot wound he sustained before his incarceration. Now before the court is plaintiff's motion for assistance in recruiting counsel under 28 U.S.C. § 1915(e)(1), dkt. #17, which I am denying because it is premature.

First, before a district court can consider a request for counsel, it must first find that the plaintiff made reasonable efforts to find a lawyer on his own and was unsuccessful or was prevented from making such efforts. Jackson v. County of McLean, 953 F.2d 1070 (7th Cir. 1992). To prove that he has made reasonable efforts to find a lawyer, plaintiff must give the court letters from at least three lawyers who denied plaintiff's request for representation. Plaintiff has not yet complied with that requirement.

Second, because the pro se litigants who file lawsuits in this district vastly outnumber

the lawyers who are willing and able to provide representation, it is generally this court's practice to defer a search for counsel until after the resolution of the question whether the plaintiff has exhausted his administrative remedies, as required by 42 U.S.C. § 1997e(a). Plaintiff says that he needs a lawyer because his case involves complex medical issues, but plaintiff does not need any medical expertise to show that he exhausted his administrative remedies. Plaintiffs filings to date show that he is capable of writing a brief and submitting documents to the court, which is all he needs to do to respond to a motion under § 1997e(a).

After defendants answer plaintiff's complaint, the court will schedule a preliminary pretrial conference before Magistrate Judge Stephen Crocker. At that conference, the magistrate judge will set various deadlines, including a deadline for filing a motion for summary judgment on the ground that plaintiff failed to exhaust his administrative remedies. If the court denies defendants' exhaustion motion or if defendants do not file such a motion by the deadline, plaintiff may renew his motion for assistance in recruiting counsel at that time, provided of course that he has tried to recruit counsel on his own, as described above.

ORDER

IT IS ORDERED that Darreyll T. Thomas's motion for assistance in recruiting counsel, dkt. #17, is DENIED.

Entered this 17th day of December, 2014.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge