

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

WILLIAM TEAS,

Plaintiff,

v.

DALIA SULIENE, KARL HOFFMAN,
KAREN ANDERSON, MEREDITH MASHANK,
LILLIAN TENEBRUSO, NANCY WHITE,
ANTHONY ASHWORTH, LUCAS WEBER,
JANEL NICKEL, KEVIN BOODRY,
MICHAEL DITTMAN, JAMES GREER,
SCOTT BAUER and JAMES KOTTKA,

Defendants.¹

ORDER

16-cv-452-bbc

Pro se plaintiff and prisoner William Teas is proceeding on the following claims:

(1) defendants Dalia Suliene and Karl Hoffman failed to treat plaintiff's back pain adequately, in violation of the Eighth Amendment and Wisconsin law;

(2) defendants Suliene, Hoffman, Meredith Mashak, James Greer, Michael Dittman and Lucas Weber denied plaintiff's requests for a "medically appropriate mattress and pillow," in violation of the Eighth Amendment, the Americans with Disabilities Act and the Rehabilitation Act;

(3) defendants Kevin Boodry, Anthony Ashworth, Janel Nickel, Nancy White, Karen Anderson and James Kottker denied plaintiff's requests for a raised bunk while he was housed in segregation, in violation of the Eighth Amendment, the Americans with Disabilities Act and the Rehabilitation Act;

¹ I have amended the caption to reflect the full and correct names of each defendant, as identified in defendants' amended acceptance of service. Dkt. #35

(4) defendants Anderson, Mashak, White and Lillian Tenebruso failed to schedule appointments with physicians in a timely manner, in violation of the Eighth Amendment;

(5) defendants Anderson, Mashak, Tenebruso and White failed to take any action when defendants Suliene and Hoffman failed to provide appropriate treatment for plaintiff's back problems, in violation of the Eighth Amendment.

Now plaintiff has filed his third and fourth motion under 28 U.S.C. § 1915(e)(1) for assistance in recruiting counsel. Dkt. ##42 and 44. See also Dkt. ## 28 and 29. There is no right to counsel in civil cases, Olson v. Morgan, 750 F.3d 708, 711 (7th Cir. 2014), so a party who wants assistance from the court in recruiting counsel must meet several requirements. Santiago v. Walls, 599 F.3d 749, 760-61 (7th Cir. 2010). First, he must show that he is unable to afford to hire his own lawyer. Second, he must show that he made reasonable efforts on his own to find a lawyer to represent him. Finally, he must show that the legal and factual difficulty of the case exceeds his ability to prosecute it. Pruitt v. Mote, 503 F.3d 647, 654-55 (7th Cir. 2007).

In considering plaintiff's earlier requests for assistance, the court concluded that the plaintiff had satisfied the first two requirements. Dkt. #34 at 10. However, the court denied the motions on the ground that it was too soon to determine whether plaintiff needed the assistance of counsel. Although the court noted that "[t]he merits of plaintiff's claim may involve complicated legal and factual questions," it was possible that some of his claims could be resolved on the ground that he failed to exhaust his administrative remedies under 42 U.S.C. § 1997e(a), an issue that does not require extensive discovery or medical expertise. Dkt. #34 at 10.

Defendants have not filed a motion seeking dismissal on exhaustion grounds and the deadline for doing so has passed, so the case will have to be resolved on the merits. Under these circumstances, I am persuaded that plaintiff has met the standard for assistance in recruiting counsel. Plaintiff's claims may raise complex issues and plaintiff's abilities appear to be low. Although some of plaintiff's filings are clear and show a knowledge of the law, it appears likely that those filings were prepared by another prisoner. When plaintiff is trying to communicate with the court on his own, he seems to have difficulty understanding what he is supposed to do. Particularly because it appears that plaintiff is receiving only limited assistance from the other prisoner, I conclude that it is appropriate to help plaintiff find a lawyer.

ORDER

IT IS ORDERED that plaintiff William Teas's motion for assistance in recruiting counsel, dkt. #42, is GRANTED. All remaining deadlines are STRICKEN pending recruitment of counsel for plaintiff. If I find counsel willing to represent plaintiff, I will advise the parties of that fact. Soon thereafter, a status conference will be held to set a new schedule. Plaintiff is advised that, because of the large number of requests for counsel that

the court receives, it may take several weeks or even months before the court locates counsel willing to represent him.

Entered this 22d day of March, 2017.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge