

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

DIEGO GIL,

Plaintiff,

v.

JAMES REED; JAMIE PENAFLORE and
UNITED STATES OF AMERICA,

Defendants.

ORDER

00-C-0724-C

On January 28, 2002, I granted summary judgment to the defendants in this civil action for monetary relief brought pursuant to Bivens v. Six Unknown Agents of the Federal Bureau of Narcotics, 403 U.S. 388 (1971), and the Federal Tort Claims Act, 28 U.S.C. §§ 2671 – 2860. On August 25, 2004, the Court of Appeals for the Seventh Circuit reversed this court's decision to deny plaintiff's motion for appointment of counsel, vacated the judgment and remanded for proceedings consistent with its opinion. Defendants' subsequent petition for rehearing was denied on November 5, 2004 and the mandate issued shortly thereafter on November 15, 2004. In the three months that have passed since that time, the Western District Bar Association's Pro Bono Liaison has been exhaustively

canvassing the Western District Bar for a lawyer who would agree to represent plaintiff in this action and that search has now come to an end. Kendall Harrison, a member of the Wisconsin and Western District Bars and a lawyer at the Madison law firm of LaFollette Godfrey & Kahn, has agreed to represent plaintiff, with the understanding that he will serve with no guarantee of compensation for his services. It is this court's intention that the appointment of Mr. Harrison to represent plaintiff extend to proceedings in this court only.¹

Plaintiff should be aware that because I am appointing counsel to represent him, he may not communicate directly with the court about matters pertaining to his case. He must work directly with his lawyer and permit him to exercise his professional judgment to determine which matters are appropriate to bring to the court's attention and in what form.

ORDER

IT IS ORDERED that Kendall Harrison is appointed to represent plaintiff Diego Gil in this case. A copy of the court's record in the case will be prepared and sent to Mr. Harrison promptly. After this administrative task is complete, the clerk of court is requested to schedule a prompt telephone conference before United States Magistrate Stephen Crocker

¹"Proceedings in this court" include all matters leading up to a final judgment on the merits, the filing of a Notice of Appeal, if appropriate, and ensuring that all steps are taken to transfer the record to the Court of Appeals for the Seventh Circuit.

so that he can set new deadlines for discovery, dispositive motions and trial.

Entered this 16th day of February, 2005.

BY THE COURT:

BARBARA B. CRABB
District Judge