

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

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EUGENE L. CHERRY,

Plaintiff,

v.

GERALD BERGE, CINDY SAWINSKI,  
JOLENE MILLER, JOLINDA WATERMAN,

Defendants.

ORDER

02-C-544-C

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EUGENE L. CHERRY,

Plaintiff,

v.

JON LITSCHER, GERALD BERGE,  
JIM PARISI, TIMOTHY MASON,  
PAM BARTELS, KATHRYN McQUILLAN,  
JOHN SHARPE, and YASMIN YUSUF-SAFABI,

Defendants.

02-C-394-C

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Plaintiff Eugene Cherry has filed a fourth motion for appointment of counsel in this case. He argues that he needs a lawyer to stop defendants' staff from trying to kill him.

Specifically, plaintiff alleges that defendants are putting sewing needles in his food and that he has been sexually assaulted by a prison official, both in retaliation for the lawsuits that he filed.

Plaintiff's motion will be denied. First, I note that I have already rejected as fanciful plaintiff's allegation that prison officials are trying to kill him. See Cherry v. Berge, No. 02-C-544-C, January 27, 2003 Order. Even assuming plaintiff's allegations are true, however, appointing counsel for plaintiff would do nothing to prevent the behavior of which plaintiff complains. Although I acknowledge the gravity of plaintiff's accusations, the purpose of appointing counsel is to aid a pro se litigant who is unable to represent himself and whose chances of success would be significantly improved by the lawyer's assistance. A lawyer cannot directly influence the conduct of prison officials.

Moreover, the documents that plaintiff has attached to his motion show that his concerns are being addressed. Plaintiff's allegation regarding the sewing needles was investigated by the Grant County sheriff's department and both of his accusations are being investigated internally at the prison. Accordingly, I conclude that no action by this court is required at this time. If plaintiff has been sexually assaulted and the prison's investigation

does not resolve the problem, plaintiff may file a separate lawsuit in this court.

ORDER

IT IS ORDERED that plaintiff Eugene Cherry's fourth motion for appointment of counsel is DENIED.

Entered this 12th day of March, 2003.

BY THE COURT:

BARBARA B. CRABB  
District Judge