

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

DEAN L. PAULSON,

Petitioner,

v.

ORDER

02-C-593-C

ROCK COUNTY SHERIFF ERIC A. RUNAAS
and EMPLOYEES AND AGENTS;
ROCK COUNTY CORPORATION COUNSEL
and EMPLOYEES AND AGENTS; and
HEALTH PROFESSIONALS LTD.,

Respondents.

Petitioner Dean L. Paulson has written to request that this case be dismissed without prejudice to his refiling it at some future date. He states that he does not want to bear the expense of another lawsuit at this time. In the same communication, petitioner asks that the court appoint a lawyer to help him draft a complaint that will survive the screening requirements under 28 U.S.C. § 1915.

In determining whether to appoint counsel in a given case, the court must consider whether the plaintiff is competent to represent himself given the complexity of the case, and if he is not, whether the presence of counsel would make a difference in the outcome of his lawsuit. Zarnes v. Rhodes, 64 F.3d 285 (7th Cir. 1995)(citing Farmer v. Haas, 990 F.2d

319, 322 (7th Cir. 1993)). This kind of assessment is impossible to make unless the plaintiff first files a complaint and the lawsuit has progressed beyond the earliest stages.

From his submissions, it is clear that petitioner has the ability to express himself clearly in writing and follow directions generally. There is no reason to believe that he is not competent to describe the facts behind a claim that his constitutional rights have been violated and to describe what it is he wants this court to do to remedy the violation. Therefore, if petitioner intends to file his lawsuit at a later date, he will have to prepare his complaint without the assistance of appointed counsel.

Nevertheless, I accept petitioner's request for permission to withdraw his lawsuit voluntarily and will dismiss this case without prejudice to his filing his lawsuit at a later date. Also, at petitioner's request, I am returning to him with a copy of this order the extra copies of the complaint he submitted to this court.

ORDER

Petitioner's request for permission to dismiss this case voluntarily is GRANTED. The case is DISMISSED without prejudice to petitioner's filing his complaint at a later date.

The clerk of court is directed to close this file.

Entered this 20th day of November, 2002.

BY THE COURT:

BARBARA B. CRABB
District Judge