

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

MARK GRANSBERRY,

Plaintiff,

v.

WISCONSIN DEPARTMENT OF
CORRECTIONS UNIT MANAGER
ELISABETH TEGELS,

Defendant.

ORDER

02-C-598-C

Plaintiff Mark Gransberry recently was granted leave to proceed in this action on his claims that defendant Tegels retaliated against him for filing a grievance about his cellmate and disciplined him on the basis of his race. The defendant has not yet filed an answer. Presently before the court is plaintiff's motion for the appointment of counsel.

In deciding whether to appoint counsel, I must first find that plaintiff made reasonable efforts to find a lawyer on his own and was unsuccessful or that he was prevented from making such efforts. Jackson v. County of McLean, 953 F.2d 1070 (7th Cir. 1992). Plaintiff does not say that he has been prevented from trying to find a lawyer on his own. To prove that he has made reasonable efforts to find a lawyer, plaintiff must give the court the names and addresses of at least three lawyers that he asked to represent him in this case

and who turned him down.

Plaintiff should be aware that even if he is unsuccessful in finding a lawyer on his own, that does not mean that one will be appointed for him. At that point, the court must consider whether plaintiff is able to represent himself given the legal difficulty of the case, and if he is not, whether having a lawyer 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 case is simply too new to allow the court to evaluate plaintiff's abilities or the likely outcome of the lawsuit. Therefore, the motion will be denied without prejudice to plaintiff's renewing his request at some later time.

ORDER

IT IS ORDERED that plaintiff's motion for the appointment of counsel is DENIED.

Entered this 30th day of December, 2002.

BY THE COURT:

BARBARA B. CRABB
District Judge