

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

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DE'ONDRE J. CONQUEST,
#00346633

Plaintiff,

v.

GERALD BERGE, DR. T. RILEY,
NURSE LOIS, NURSE JOLINE,
SHARON ZUNKER, NURSE BECKY,
GEORGE DALEY, NURSE RENEE,
NURSE SHIRLEY, NURSE SARAH,
HEAD NURSE PAM BARTELS, NURSE EDITH and
KATHERINE McQUILLAN,

Defendants.

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ORDER
00-C-493-C

In an order entered October 30, 2000, I granted plaintiff De'Ondre Conquest's request for leave to proceed in forma pauperis on his Eighth Amendment claim and denied his request on his conspiracy claim for his failure to state a claim upon which relief may be granted. In addition, I denied plaintiff's motions for a preliminary injunction and appointment of counsel. Now, plaintiff has moved a second time for appointment of counsel. In support of plaintiff's request, he submits a signed statement in which he names the lawyers whom he contacted

about his case. Even if this satisfies the requirement that plaintiff present proof that he make reasonable efforts to retain counsel that were unsuccessful, see Jackson v. County of McLean, 953 F.2d 1070 (7th Cir. 1992), plaintiff's request would be denied. Appointment of counsel is appropriate where the plaintiff appears to be incompetent to represent himself given the complexity of the case and where the presence of counsel would make a difference in the outcome of his lawsuit. See 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 permit the court to assess plaintiff's abilities or the potential outcome of the lawsuit. Therefore, the motion will be denied without prejudice to plaintiff's renewing it at some later stage of the proceedings.

In the order entered October 30, 1000, I explained that I ignored a document titled "Statement of the Case" as well as a document titled "Motion for Deliberate Indifference Support" in deciding whether to grant petitioner leave to proceed in forma pauperis. In a letter dated November 7, 2000, petitioner writes that he intended for both of these documents to amend his original complaint. I will construe his letter as a motion to file an addendum to his complaint. After reviewing both documents, I will deny petitioner's request because neither document contains allegations that are necessary for his Eighth Amendment claim or persuades me that I erred in denying him leave to proceed on his conspiracy claim. Petitioner has been granted leave to proceed on his claim that defendants were deliberately indifferent to his serious

medical needs; it is unnecessary at this time to supplement his allegations as to the specific incidents related to this claim. Petitioner will have an opportunity to develop his claim more fully on a motion for summary judgment or at trial.

ORDER

IT IS ORDERED that

1. Plaintiff De'Ondre Conquest's motion for appointment of counsel is DENIED without prejudice; and

2. Plaintiff's motion to file an addendum to his complaint is DENIED.

Entered this 21st day of November, 2000.

BY THE COURT:

BARBARA B. CRABB
District Judge