

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

FREDERICK ROGERS,

Plaintiff,

ORDER

v.

03-C-0230-C

HELLEN BRANDT, JEAN THIEME,

Defendants.

Plaintiff Frederick Rogers, an inmate at the Racine Correctional Institution in Sturtevant, Wisconsin, has been allowed to proceed in this action on his claim that defendants Hellen Brandt and Jean Thieme violated his rights under the Religious Land Use and Institutionalized Persons Act and First Amendment by forcing him to attend a religious holiday program. Presently before the court is plaintiff's motion for appointment of counsel.

In support of the request, plaintiff argues that he has schizoaffective disorder and post traumatic stress disorder. He contends that his disorders will be exacerbated if he is required to endure the stress of prosecuting this lawsuit.

In considering whether counsel should be appointed, I first must determine whether plaintiff made reasonable efforts to retain counsel and was unsuccessful or whether he was

precluded effectively from making such efforts. Jackson v. County of McLean, 953 F.2d 1070 (7th Cir. 1992). Plaintiff lists the names of four lawyers that he has asked to take his case but who have declined to do so.

Second, I must determine whether a pro se plaintiff is competent to represent him or herself 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).

Although plaintiff is not skilled in the law, he has a good understanding of court proceedings given his past experience in this court. See Rogers v. Lockwood, 01-C-159-C. He is familiar with discovery techniques, the form of motions and what constitutes admissible evidence. He fully prosecuted his action against defendant Lockwood without showing signs of his medical disorders.

This case is not complex. As noted above, plaintiff contends that defendants forced him to attend a religious holiday program against his will. Plaintiff possesses personal knowledge of how and when this incident occurred. Having a lawyer to help him tell his version of the facts is unnecessary. Moreover, the law governing religious freedom claims was explained to plaintiff in the order allowing him to proceed with this action. His ability to succeed on the claim will rest entirely upon facts presented on a motion for summary judgment or at trial.

I am convinced that plaintiff has the ability to prosecute a case of minor complexity such as this.

ORDER

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

Entered this 21st day of October, 2003.

BY THE COURT:

BARBARA B. CRABB
District Judge