IN THE UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF WISCONSIN

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FRANCIS E. ALTMAN,

Plaintiff, MEMORANDUM

v. 03-C-371-C

MARATHON COUNTY JAIL ADMINISTRATOR
ROBERT DICKMAN and THREE UNNAMED
JAIL STAFF, BADGE #S 2143, 2149 AND
OFFICER WITH INITIALS "CP,"

Defendants.

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Plaintiff Altman has requested that the court send him copies of the evidentiary materials he attached to his complaint in this case so that he can send a copy to counsel for defendant Dickman and retain a copy for himself. He states that because he did not have access to the United States Code or case law, he was unaware at the time he filed his complaint that he should keep a copy of his submissions for his own records and serve copies of them on the defendants.

The requirement that a party keep copies of his submissions to the court and serve them on opposing counsel does not appear in the United States Code or case law. Common

sense dictates that a party should keep a copy of his submissions for his own records. As for serving the opposing party, the rules regarding service of pleadings and other papers filed in a case in federal court are set out in the Federal Rules of Civil Procedure, a book that should be available to plaintiff on request while he is incarcerated at the Marathon County jail. In any event, I am enclosing to counsel for defendant Dickman and plaintiff a copy of this order and copies of the exhibits attached to plaintiff's complaint. As plaintiff is now aware, in the future, he is to retain a copy of everything he submits to this court for his own records, send a copy to counsel for the defendants, and show on the court's copy that he has done so.

Also, plaintiff has moved for the appointment of counsel to represent him in this case. In support of the motion, plaintiff states that he needs counsel because defendant Dickman has blocked inmate access to the United States Codes and supreme court case law on the jail law computer.

In determining whether counsel should be appointed, I must first find that plaintiff made reasonable efforts to retain counsel and was unsuccessful or that he was precluded effectively from making such efforts. Jackson v. County of McLean, 953 F.2d 1070 (7th Cir. 1992). Plaintiff must provide the court with the names and addresses of at least three lawyers that he has asked to represent him in this case and who have declined to take the case before I can find that he has made reasonable efforts to secure counsel.

Even if plaintiff had tried and failed to find a lawyer willing to represent him, I would not appoint a lawyer for him at this early stage of the proceedings. Ordinarily, counsel will not be appointed unless it is clear that the plaintiff is not competent to represent himself given the complexity of the case and that 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). Early indications are that plaintiff is capable of representing himself and that a lawyer would not make a difference in the outcome of his lawsuit. Therefore, the motion will be denied without prejudice to plaintiff's renewing it at some later stage of the proceedings.

ORDER

IT IS ORDERED that plaintiff's motion for appointment of counsel is DENIED without prejudice.

Entered this 9th day of October, 2003.

BY THE COURT:

BARBARA B. CRABB
District Judge