

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

CHILDERIC MAXY,

Plaintiff,

v.

ORDER

03-C-624-C

JOHN DOE, JANE DOE,
MICHAEL WEISSENBERGER,
CAPT. HELGENSEN, OFFICERS
(Deputy Sheriff) and DOCTOR and
(Medical Staff); ALL NURSES
EMPLOYED AT THE TIME OF
INJURY,

Defendants.

In an order dated February 9, 2004, I granted plaintiff leave to proceed on a claim that defendants violated his right to due process and equal protection when they denied him pain medication. Now, plaintiff has filed a motion for appointment of counsel, which will be denied.

I first note that plaintiff has not signed his motion, as required by the Federal Rules of Civil Procedure. Under Rule 11, every pleading, motion or other paper filed with the court must be signed by the party if that party is not represented by counsel. "An unsigned paper shall be stricken unless omission of the signature is corrected promptly after being

called to the attention of the attorney or party.” Fed. R. Civ. P. 11. In this case, allowing plaintiff to file a signed copy would not be beneficial because plaintiff has not shown that he meets the requirements for 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 a later time.

ORDER

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

Entered this 2nd day of March, 2004.

BY THE COURT:

BARBARA B. CRABB
District Judge