

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

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TITUS HENDERSON,

Plaintiff,

v.

DAVID BELFUEIL,

Defendant.

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ORDER

03-C-729-C

For the third time, plaintiff has moved for appointment of counsel to represent him in this case, which is set for trial during the week of August 22, 2005. For the third time I am denying plaintiff's motion.

Only one issue remains to be decided in this case: whether defendant David Belfueil caused a sample of plaintiff's blood to be taken in the absence of a warrant and without plaintiff's consent. On June 16, 2005, the same day that the present motion was filed, I issued an order describing to plaintiff how the trial of his case will be conducted and what he will be expected to prove in order to survive a motion to dismiss following the presentation of his evidence. Earlier in this case, the magistrate judge sent plaintiff a document describing the procedures he must use in order to call witnesses to trial. Both of

these documents should assist plaintiff in preparing for trial. Moreover, plaintiff is competent to take the stand to testify about his willingness or lack of willingness to give a blood sample on the day of the incident giving rise to this lawsuit. In addition, he has demonstrated in other cases filed in this court that possesses the skill to determine through discovery whether a warrant did or did not exist. I am not persuaded that having a lawyer to help plaintiff tell his version of the facts is necessary or likely to make a difference in the outcome of this lawsuit.

ORDER

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

Entered this 20th day of June, 2005.

BY THE COURT:  
/s/  
BARBARA B. CRABB  
District Judge