

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

DATHAN BEAN,

Plaintiff,

v.

SANDRA HAUTAMAKI, JEFFREY P.
ENDICOTT and KELLY MUESKI,

Respondents.

ORDER

04-C-447-C

Less than two weeks before this case is scheduled to go to trial, plaintiff has renewed his request for appointment of counsel. Plaintiff's first request was denied as premature on September 3, 2004, because plaintiff had not made a showing that he 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's newest motion is still unaccompanied by any showing that he has made any effort to locate counsel who might be willing to represent him. In any event, I believe that plaintiff's claim that he was double-celled with inmate Oskar McMillian, who defendants knew would pose a serious risk to plaintiff's safety, is a straightforward claim and that

plaintiff is competent to testify and present documentary evidence that McMillian posed an objectively serious risk of danger to plaintiff, that defendants knew of that risk and that they consciously disregarded it.

ORDER

IT IS ORDERED that plaintiff Dathan Bean's second motion for appointment of counsel is DENIED.

Entered this 24th day of August, 2005.

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