

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

EDWIN F. CLAY,

Plaintiff,

v.

JOSEPH SCIBANA, Warden,

Defendant.

ORDER

04-C-631-C

This case is scheduled for a preliminary pretrial conference to be held on June 1, 2005, before United States Magistrate Judge Stephen Crocker. Now plaintiff has written renewed his request for appointment of counsel or, in the alternative, to allow inmate David Dahler to participate in the conference on plaintiff's behalf. Both motions will be denied.

As I told plaintiff when I denied his earlier motion for appointment of counsel, the only question in this case is whether the Bureau of Prisons' practice of withholding 50% of his monthly income conflicts directly with the order of restitution entered by plaintiff's sentencing judge. In light of the simplicity of the question at issue, and plaintiff's demonstrated ability to file clear and concise documents and make appropriate inquiries when he does not understand court procedure, I remain convinced that plaintiff is competent

to prosecute this case without appointed counsel.

With respect to plaintiff's request in the alternative that inmate David Dahler be allowed to participate in the preliminary pretrial conference scheduled in this case for June 1, 2005, this court's practice is to communicate only with the parties to the case or their lawyers, if they are represented by a lawyer. Because it does not appear that Mr. Dahler is a lawyer, he cannot represent plaintiff in court proceedings. However, I am enclosing to plaintiff with a copy of this order a notice that the magistrate judge just completed to be sent to pro se litigants at the time they are given notice of the preliminary pretrial conference. Plaintiff should note particularly paragraph 2, which tells plaintiff what will happen at the conference and invites him to prepare to ask any questions he may have about court procedure, and paragraph 5, which notifies plaintiff that he is not required to comply with the pretrial procedures set out in Fed. R. Civ. P. 26(a)(1) and (f).

ORDER

IT IS ORDERED that plaintiff's second motion for appointment of counsel or, in the alternative, for inmate David Dahler to participate in the preliminary pretrial conference

scheduled for June 1, 2005, is DENIED.

Entered this 18th day of May, 2005.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge