

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

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JUAN VILLANUEVA-MONROY,

Plaintiff,

v.

DOCTOR J. REED and V. JONES,  
Hospital Administrator,

Defendants.  
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MEMORANDUM

05-C-0214-C

A hearing was held by telephone in this case on October 27, 2006, before United States District Judge Barbara B. Crabb to consider the motion of plaintiff's counsel to withdraw from representation of plaintiff Juan Villanueva-Monroy. Plaintiff was on the telephone from the prison; his court-appointed counsel, Mary C. Turke, participated by telephone from her office, along with Frances Haas. Interpreter Edgar Serna was present in chambers to help Mr. Villanueva understand what was being said and communicate his responses to the court.

The hearing was necessitated by counsel's request to the court to be relieved of her obligation to represent plaintiff for reasons she did not feel at liberty to explain to the court.

However, at the hearing, she noted that the reasons did not include personal antagonism between her and her client. I explained to plaintiff that counsel must have the freedom to prosecute his case in a way that complies with the law and the requirements of the court. I told him that the law does not permit counsel to advance positions that are not based upon the facts or that would not amount to a violation of the United States Constitution. I told him also that if he could not accept Ms. Turke as his counsel, he might have to prosecute his case on his own. At the end of the hearing, it was left that plaintiff would consult once more with Ms. Turke. If, after doing so, Ms. Turke continues to believe that she must withdraw or if plaintiff advises the court that he cannot work with her, I will relieve her of her obligation to represent plaintiff. If that were to happen, plaintiff would have to explain why he believes that his case is worth pursuing so that I could make a decision whether to appoint new counsel to represent him.

Entered this 27th day of October, 2006.

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