

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

JUAN VILLANUEVA-MONROY,

Plaintiff,

v.

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

Defendants.

ORDER

05-C-0214-C

At a hearing held by telephone in this case on October 27, 2006, I heard the motion of plaintiff's counsel, Mary C. Turke, to withdraw from representation of plaintiff Juan Villanueva-Monroy. Ms. Turke confirmed at that time that she was not requesting permission to withdraw on account of personal antagonism between her and her client but, rather, for reasons she was not at liberty to explain to the court without breach of the attorney-client privilege. Through an interpreter, I explained to plaintiff counsel's obligation to prosecute plaintiff's case in compliance with the law and the requirements of the court. I ended the hearing by asking plaintiff to consult again with Ms. Turke. I advised plaintiff and Ms. Turke that if they were unable to resolve their differences, I would allow Ms. Turke

to withdraw from her representation of plaintiff. In addition, I told plaintiff that he would have to tell the court why he believes he has a claim against defendants, so that I can decide whether to appoint new counsel for him.

Now, Ms. Turke has written the court to advise that she and plaintiff were unable to agree about how his case should proceed. Therefore, Ms. Turke's motion to withdraw will be granted. However, because plaintiff has difficulty with the English language, I have reconsidered my earlier decision to require him to explain to the court why he believes he has a claim against defendants. Instead, I will appoint another lawyer to represent him.

Ron Benavides, a member of the Wisconsin Bar, has agreed to represent plaintiff, understanding that he will serve with no guarantee of compensation for his services. It is this court's intention that the appointment of Mr. Benavides extend to proceedings in this court only.¹ Plaintiff must understand that he will be required to work directly with Mr. Benavides and permit Mr. Benavides to exercise his professional judgment in determining whether the facts of the case warrant continued prosecution of a claim of constitutional wrongdoing and, if so, what matters are appropriate to bring to the court's attention and in what form. In addition, plaintiff must understand that if he does not accept the advice of

¹"Proceedings in this court" include all matters leading up to a final judgment on the merits, the filing of a Notice of Appeal, if appropriate, and ensuring that all steps are taken to transfer the record to the Court of Appeals for the Seventh Circuit.

his lawyer or allow Mr. Benavides to prosecute this case in a manner that does not conflict with his obligation to this court, I will allow Mr. Benavides to withdraw from his representation of plaintiff and require plaintiff to represent himself.

ORDER

IT IS ORDERED that Ms. Turke's motion to withdraw as plaintiff's counsel (Dkt. #39) is GRANTED.

Further, IT IS ORDERED that Ron Benavides is appointed to represent plaintiff.

Finally, IT IS ORDERED that the trial date previously scheduled in this case is RESCINDED. To allow counsel time to meet with plaintiff and complete his work on several prior commitments on his calendar, the clerk of court is requested to set this case for a scheduling conference in late December. In the meantime, all deadlines previously established in this case are SUSPENDED.

Entered this 15th day of November, 2006.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge