

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

EDUARDO M. PEREZ,

Plaintiff,

v.

WIS. DOC EX-SEC. MICHAEL SULLIVAN,
WIS. DOC SECRETARY, MATTHEW FRANK,
BHS-DOC R/N SHARON ZUNKER,
BHS NURSE MRS. WENDY DE MOTTS,
in their personal and official capacities,

Defendant.

ORDER

05-C-711-C

In this civil action for monetary relief, plaintiff Petitioner Eduardo Perez, an inmate at the Stanley Correctional Institution in Stanley, Wisconsin, contends that defendant Zunker was deliberately indifferent to his serious medical needs when she ignored his repeated requests for treatment at the UW-Health Pain Clinic. On June 27, 2006, defendant filed a motion for summary judgment. Plaintiff's response to the motion was due July 27, 2006. On July 24, 2006, plaintiff filed a document titled "Motion of Eduardo M. Perez for Extra Time to Responder [sic] Defendant Sumary [sic] Judgment," in which plaintiff asks for a twenty day extension of his response deadline.

In his motion, plaintiff alleges that he needs additional time because English is not his first language, and he is struggling to translate words from Spanish into English. Plaintiff's allegations find support in the transcript of the pretrial conference held in this case on March 8, 2006, at which plaintiff expressed in broken English his concern that he was unable to present his case because of the language barriers he faced.

A brief review of defendant's motion for summary judgment reveals that defendant's motion is grounded not on the merits of plaintiff's claim, but on defendant Zucker's alleged lack of personal involvement in the decision to deny plaintiff's referral to a pain clinic for treatment of his chronic back pain. If it is true that plaintiff has named the wrong defendant, the proper step would be for plaintiff to amend his complaint to name the appropriate defendant—a step he is ill-prepared to take, given his demonstrated inability to communicate clearly in English. I have become convinced that plaintiff will not be able to represent himself at trial without the assistance of a lawyer and I cannot say that the outcome of the case would be the same whether or not counsel were appointed. Therefore, the court will stay all further proceedings in this case and make efforts to locate a lawyer willing to represent plaintiff in this case, with no guarantee of compensation for his or her work.

Plaintiff should be aware that in any case in which a party is represented by a lawyer, the court communicates only with counsel. This means that if plaintiff agrees to

representation, the court will no longer communicate with plaintiff directly about matters pertaining to this case. It will be expected that plaintiff will communicate directly with his lawyer about any concerns and allow the lawyer to exercise his or her professional judgment to determine which matters are appropriate to bring to the court's attention and what motions and other documents are appropriate to file.

ORDER

IT IS ORDERED that

1. Plaintiff's motion for an extension of time to respond to summary judgment is GRANTED;

2. All proceedings in this case are STAYED pending appointment of counsel for plaintiff. As soon as I locate counsel willing to represent plaintiff, I will advise the parties of that fact. Soon thereafter, a status conference will be scheduled to establish a new calendar for this case.

Entered this 1st day of August, 2006.

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