

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

TIMOTHY SCOTT ACKERMANN,

Plaintiff,

v.

JOHN POWERS,

Defendant.

ORDER

04-C-845-C

In an order entered in this case on August 1, 2005, Magistrate Judge Stephen Crocker suspended all proceedings after concluding that plaintiff was in need of appointed counsel to assist him in this case. Following a diligent search for a lawyer willing to accept appointment, Michael Fox, a highly respected and able member of the Wisconsin bar, agreed to meet with plaintiff to discuss his case. Following the meeting, plaintiff wrote the following letter to the court.

I just received a letter informing me that Michael R. Fox from Monona, WI, Tel. #608-258-9588 was to represent me against my claim after finally getting ahold of Mr. Fox he more or less went against me and anything I said. He turned it around what I said against me. I thought him rude and unprofessional. Mr. Mike Fox stated I never put a monetary value on this case. I remember I did file that in your court asking for damages of 2 million or more. John Powers has been stalking me. I've seen him 4 times in his 271

4x4 2 tone green pick-up truck the windshield had 4 or 5 breaks the entire length from head to toe. I'm being harassed by VA employees about me being a liar. I'm afraid so bad I need to move out of this state.

Subsequently, Mr. Fox declined to accept appointment in the case.

Unfortunately, it appears that plaintiff is not a good candidate for appointed counsel. His letter reveals that he is either unable or unwilling to give up control of the proceedings to a professional lawyer, whose job is to obtain full disclosure of facts from his client and set the best possible course to obtain recovery for plaintiff's alleged injuries. Plaintiff's lack of cooperation stemming from a clouded perception that he cannot trust the lawyer assigned to his case to act in his best interest makes it clear that any further attempts to appoint counsel in this case will be futile. If plaintiff wishes to continue with his prosecution of this case, he will have to do so on his own.

Accordingly, IT IS ORDERED that the stay entered in this case on August 1, 2005, is LIFTED. The clerk of court is requested to schedule a status conference before the United

States Magistrate Judge so that a new trial schedule may be set and pending discovery matters resolved.

Entered this 18th day of October, 2005.

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