

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

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DEAN SNODGRASS,

Plaintiff,

v.

LISA GREGAR,

Defendant.

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ORDER

05-cv-608-bbc

This case has been closed since May 18, 2006, when I entered an order granting defendant's motion to dismiss for plaintiff's failure to exhaust his administrative remedies. Now, almost two years later, plaintiff has submitted a "motion and affidavit . . . to trigger a 'reversal of district courts judgment and remand for appointment of counsel' pursuant [to] Pruitt v. Mote," which I construe as motions to re-open the case and to appoint him counsel.

It appears from plaintiff's recent submissions that his requests to re-open and to appoint him counsel are intertwined. Plaintiff says that he is "incompetent" and should not be held responsible for errors he made in his case. He admits that he "may have made 'missteps' in exhaustion requirements," but that a recent decision of the Court of Appeals for the Seventh Circuit, Pruitt v. Mote, 503 F.3d 647 (7th Cir. 2007), requires the court to re-open

his case and locate a lawyer to assist him in satisfying these requirements.

Plaintiff's motion to re-open his case will be denied for two reasons. First, as I told plaintiff in the May 18 order dismissing his case, the Prison Litigation Reform Act requires completion of the grievance process *before* an inmate files suit. Perez v. Wisconsin Dept. of Corrections, 182 F.3d 532, 535 (7th Cir. 1999). If plaintiff intends to pursue the claims dismissed in 2006, he will have to file a new lawsuit after he has exhausted his administrative remedies; he may not re-open an old case.

Second, district courts may not re-open cases simply because there has been a change in the law. Gleash v. Yuswak, 308 F.3d 758, 761 (7th Cir. 2002); Norgaard v. DePuy Orthopaedics, Inc., 121 F.3d 1074, 1076 (7th Cir. 1997). Even if it were permissible to re-open this case, plaintiff would not prevail. Pruitt addresses the standard for determining whether a pro se plaintiff may litigate his case. It does not authorize courts to appoint counsel for the purpose of assisting a prisoner with the grievance process. Thus, nothing in Pruitt would require a different result if plaintiff's case were decided today.

Because I am not allowing plaintiff to re-open his case, his request for appointment of counsel will be denied as unnecessary. This court has no reason to consider such a request when no lawsuit is pending.

ORDER

IT IS ORDERED that plaintiff's motions to re-open the case and to appoint him counsel are DENIED.

Entered this 26<sup>th</sup> day of March, 2008.

BY THE COURT:

/s/

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BARBARA B. CRABB  
District Judge