

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

TITUS HENDERSON,

Plaintiff,

v.

MATTHEW FRANK; PETER HUIBREGTSE; BRIAN
KOOL; TRACEY GERBER; J. STARKY; RUSSELL
BAUSCH; ROBERT SHANNON; TODD OVERBO;
DICK VERHAGEN; and RICHARD
SCHNEITER,

Defendants.

ORDER

06-C-12-C

Plaintiff Titus Henderson has moved for appointment of counsel in this civil action, in which he has been allowed to proceed in forma pauperis on several claims of violations of his constitutional rights. His motion will be denied.

On May 4, 2004, I denied plaintiff's request for appointed counsel in another of his cases, Henderson v. Sebastian, 04-C-39-C, and on May 13, 2004, I denied plaintiff's motion for appointment of counsel in Henderson v. Belfueil, 03-C-729-C. In each instance, I found that plaintiff was capable of prosecuting the actions on his own. This case is no different.

As plaintiff is aware, before I can consider a motion for appointment of counsel, I

must insure that the plaintiff has made reasonable efforts to find counsel on his own. Jackson v. County of McLean, 953 F.2d 1070 (7th Cir. 1992). Plaintiff has not done that. Before I can find that a plaintiff has made reasonable efforts, he must submit letters from at least three lawyers who have declined to represent him on his claims.

Even if plaintiff had submitted such letters, however, I would deny his request. In Zarnes v. Rhodes, 64 F.3d 285 (7th Cir. 1995) and Farmer v. Haas, 990 F.2d 319, 322 (7th Cir. 1993), the Court of Appeals for the Seventh Circuit has directed district courts to determine whether appointed counsel is necessary by considering whether plaintiff is competent to represent himself given the complexity of the case, and if he is not, whether the presence of counsel would make a difference in the outcome of his lawsuit.

The law relating to each of plaintiff's claims was explained to him in the order allowing him to proceed. In addition, plaintiff possesses personal knowledge of the facts giving rise to his claims. Even if he has to engage in extensive discovery in an attempt to unearth direct evidence of wrongdoing, plaintiff has shown himself to be capable of conducting discovery and presenting evidence on a motion for summary judgment or at trial. In his earlier lawsuits, plaintiff advised the court that he has a high school education and I noted that his level of education is evident in his filings. His writing is clear and concise and he has exhibited the ability to construct motions and follow directives. Having a lawyer to help him tell his version of the facts is both unnecessary and unlikely to make a difference

in the outcome of this lawsuit.

ORDER

IT IS ORDERED that plaintiff's motion for the appointment of counsel to represent him in this case is DENIED.

Entered this 12th day of July, 2006.

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