

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

FRANCISCO M. RUIZ,

Plaintiff,

v.

GLEN HEINZL, M.D.;
CANDACE WARNER, RN, BSN, HSM;
WARDEN TIMOTHY LUNDQUIST;
SECRETARY MATTHEW FRANK;
RICK RAEMISCH;
SANDRA HAUTAMAKI;
SHARON ZUNKER; and
MILDRED PARISE,

Defendants.

ORDER

06-C-478-C

In this action, plaintiff Francisco Ruiz is proceeding on a claim that defendants are violating his Eighth Amendment right to be free from cruel and unusual punishment by enforcing a medication policy that requires prison officials to deny treatment to inmates who have been diagnosed with genotype 1 hepatitis C and are within 18 months of their mandatory release date. Defendants have not yet answered plaintiff's complaint. Now plaintiff has filed a "petition for representation of counsel. . .," in which he states that he

would like to have a lawyer represent him in this action.

In deciding whether to appoint counsel, I must first find that plaintiff has made reasonable efforts to find a lawyer on his own and has been unsuccessful or that he has been prevented from making such efforts. Jackson v. County of McLean, 953 F.2d 1070 (7th Cir. 1992). Plaintiff does not say that he has been prevented from trying to find a lawyer on his own. To prove that he has made reasonable efforts to find a lawyer, plaintiff must give the court the names and addresses of at least three lawyers that he asked to represent him in this case and who turned him down.

Plaintiff should be aware that even if he is unsuccessful in finding a lawyer on his own, that does not mean that one will be appointed for him. At that point, the court must consider whether plaintiff is able to represent himself given the legal difficulty of the case, and if he is not, whether having a lawyer would make a difference in the outcome of his lawsuit. Zarnes v. Rhodes, 64 F.3d 285 (7th Cir. 1995), citing Farmer v. Haas, 990 F.2d 319, 322 (7th Cir. 1993). This case is simply too new to allow the court to evaluate plaintiff's abilities or the likely outcome of the lawsuit. Therefore, the motion will be denied without prejudice to plaintiff's renewing his request at a later time.

ORDER

IT IS ORDERED that plaintiff's motion for the appointment of counsel is DENIED.

Entered this 6th day of November, 2006.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge