

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

JAVIER R. SALGADO,

Plaintiff,

v.

ORDER

06-C-598-C

GREGORY GRAMS, Warden; JANEL NICKEL,
Security Director; SEAN SALTER, Adm. Captain;
STEVE CASPERSON, Administrator; DAN
WESTFIELD, Security Chief; MATTHEW FRANK,
Secretary of D.O.C.,

Defendants.

Plaintiff Javier Salgado has been granted leave to proceed in this action on his claim that defendants are violating his rights under the Religious Land Use and Institutionalized Persons Act (RLUIPA) and the First Amendment by prohibiting him from possessing prayer oil, prayer beads and a prayer rug in his prison cell. A preliminary pretrial conference was held on January 4, 2007, at which time Magistrate Judge Stephen Crocker set a trial date and other deadlines for moving this case to resolution. Now plaintiff has filed a motion for appointment of counsel.

In deciding whether to appoint counsel, I must first find that plaintiff has made a

reasonable effort to find a lawyer on his own and has been unsuccessful or that he has been prevented from making such an effort. Jackson v. County of McLean, 953 F.2d 1070 (7th Cir. 1992). To prove that he has made a reasonable effort to find a lawyer, plaintiff must give the court the names and addresses of at least three lawyers that he asked to represent him on the issues on which he has allowed to proceed and who turned him down. Plaintiff has not done that. Instead, he attaches to his motion a letter from Legal Action of Wisconsin, Inc. declining to represent plaintiff with his “treatment and parole concerns,” and a letter from a lawyer in Hartford, Connecticut declining to represent plaintiff regarding his “involuntary protective confinement.” In addition, he has attached a letter from the State of Wisconsin’s Department of Workforce Development advising plaintiff generally that it is not an agency that represents litigants in private civil lawsuits or criminal actions. All of the letters were sent to plaintiff well before this court decided he would be allowed to proceed on his RLUIPA and First Amendment religious freedom claims. A plaintiff who fails to provide proposed counsel with a written description of the claims for which he requires legal assistance (perhaps by including with his letter to counsel a copy of this court’s order granting him leave to proceed on his RLUIPA and First Amendment claims), who writes to agencies or entities where there are no lawyers for hire, or who asks for assistance from lawyers in firms hundreds of miles from this court, will not be found to have made reasonable efforts to find a lawyer on his own. If he wishes, plaintiff might consider

contacting the Wisconsin State Bar Lawyer Referral and Information Service at P.O. Box 7158, Madison, Wisconsin, 53707, 1-800-362-8096, to obtain the names and phone numbers or addresses of local lawyers whose practices include civil rights litigation.

Accordingly, IT IS ORDERED that plaintiff's motion for appointment of counsel is DENIED without prejudice to his renewing his motion after he has made a reasonable effort to find a lawyer on his own.

Entered this 31st day of January, 2007.

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