

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

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JAVIER R. SALGADO,

Plaintiff,

ORDER

v.

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.  
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Plaintiff Javier Salgado is pursuing a claim in this action that defendants are violating his rights under the Religious Land Use and Institutionalized Persons Act (RLUPA) 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 has been held and there is a June 8, 2007 deadline for filing dispositive motions.

Twice plaintiff has moved for appointment of counsel to assist him with his case. I denied the first request because he had not shown that he made reasonable efforts to find a lawyer on his own. I stayed a decision on plaintiff's second request on April 6, 2007, to

allow plaintiff to submit documentation from his prison file supporting his contention that he is illiterate. Now plaintiff has filed a letter dated April 20, 2007, in which he admits that he can write and read “a little,” but that he does not understand the law at all. Attached to the letter is a copy of an “inmate classification summary” for plaintiff indicating that his opportunities for vocational education and “ABE-Basic” (which I understand from plaintiff’s letter to be a basic adult education course) were terminated in December of 1998. Because plaintiff has not indicated that he served a copy of his letter and the attachment on assistant Attorney General Jennifer Lattis, counsel for defendants, I am enclosing a copy to her with this response. In the future, plaintiff is reminded that he must serve Ms. Lattis with a copy of every communication relating to this case that he sends to the court, and he must show clearly on the court’s copy that he has done so.

Although plaintiff’s reading and writing skills may be basic, he has responded to the April 6 order appropriately and in language that is neatly written and easy to understand. Moreover, his legal claims are not particularly complex. Plaintiff says he is being denied prayer oil, prayer beads and a prayer rug. In granting him leave to proceed in forma pauperis claims under the First Amendment and RLUIPA relating to this allegation, I noted that plaintiff had not indicated what religion he practices or how prayer oil, prayer beads and a prayer rug might be important to his religious beliefs. However, I told plaintiff that it was not necessary that he explain in his complaint how possession of these items is important

to him. Rather, he would have an opportunity to put in evidence later in the lawsuit, such as in connection with a motion for summary judgment, explaining these matters. Plaintiff's own affidavit would suffice as evidence. He does not have to do additional legal research. The law relating to his claims was described in the order granting him leave to proceed.

Thus, although it is a close call, I am not persuaded at this time that plaintiff cannot represent himself. If, however, I determine at a later stage of the lawsuit that the interests of justice require that counsel be appointed, I will reconsider my decision at that time.

#### ORDER

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

Entered this 30th day of April, 2007.

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