

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

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RONALD ROMANELLI,

Plaintiff,

ORDER

v.

07-C-19-C

DALIA SULIENE,  
DEPUTY KUHL,  
CPT. KUHL and  
STEVEN ROWE,

Defendants.  
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In this civil action for monetary relief, plaintiff contends that while he was a prisoner at the Columbia County jail, defendants were deliberately indifferent to his serious medical needs in violation of the Eighth Amendment. Now before the court is plaintiff's second motion for appointment of counsel to represent him in this case. Plaintiff's first motion was denied as premature on March 26, 2007.

In support of his motion, plaintiff has made the showing required by Jackson v. County of McLean, 953 F.2d 1070 (7th Cir. 1992), that he has made reasonable efforts to find a lawyer willing to represent him and has been unsuccessful. Beyond that, plaintiff

asserts that he believes he is not capable of “illustrat[ing] with clarity the principles of [his] case,” that he will have difficulty because of his indigence and incarceration obtaining the evidence he needs to prove his case, and that unless he is appointed counsel, he will be on unequal footing with defendants’ lawyer.

Civil litigants do not have a constitutional or statutory right to counsel in federal court. Luttrell v. Nickel, 129 F.3d 933, 936 (7th Cir. 1997). However, they may request counsel pursuant to 28 U.S.C. § 1915(e)(1), and the court may exercise its discretion to grant or deny the request. Ordinarily, counsel is appointed for indigent litigants when “exceptional circumstances” justify such an appointment. Farmer v. Haas, 990 F.2d 319, 322 (7th Cir. 1993)(quoting with approval Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991)). The Court of Appeals for the Seventh Circuit will find that a district court has abused its discretion only in cases in which it appears certain that the plaintiff cannot obtain any sort of justice without counsel. Johnson v. Doughty, 433 F.3d 1001, 1007 (7th Cir. 2006). This is not such a case.

Although plaintiff does not explain what he means when he says he will be unable to illustrate with clarity the principles of his case, if he is saying that he is incapable of setting out his claim clearly he is mistaken. The allegations in his complaint are comprehensible and literate. Moreover, his case is not overly difficult. All plaintiff needs to show to prevail on his claim is that he had a serious medical need and that defendants consciously disregarded

that need so as to impose cruel and unusual punishment.

That plaintiff does not have a law degree and will face difficulties in prosecuting his case because of his indigence and incarceration are not exceptional circumstances requiring the appointment of counsel. If they were, the overwhelming number of pro se prisoner litigants would become entitled to counsel.

ORDER

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

Entered this 15th day of June, 2007.

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