

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

JAMES A. SMITH, JR.,

Plaintiff,

v.

ORDER

MATTHEW J. FRANK and
GREG D. GRAMS,

07-C-280-S

Defendants.

Plaintiff moves for appointment of counsel. In Farmer v. Haas, 990 F.2d 319, 322 (7th Cir. 1993), the Court provided the following standard for appointment of counsel, "given the difficulty of the case, did the plaintiff appear to be competent to try it himself and, if not, would the presence of counsel have made a difference in the outcome."

Although plaintiff alleges that the defendants violated his Eighth Amendment rights, it appears at this stage that plaintiff is competent to try the case himself. The Court will deny plaintiff's motion for appointment of counsel.

ORDER

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

Entered this 27th day of June, 2007.

BY THE COURT:

/s/

JOHN C. SHABAZ
District Judge