

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

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IVORY WADE,

Plaintiff,

ORDER

07-C-462-C

v.

DR. CASTILLO, Psychiatrist,

Defendant.  
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In this civil action for monetary, declaratory and injunctive relief, plaintiff Ivory Wade contends that defendant Dr. Castillo violated his Eighth Amendment rights and state law when he was deliberately indifferent to plaintiff's need for mental health care treatment and negligent in his care and treatment of plaintiff.

Now before the court is plaintiff's second request that counsel be appointed to represent him in this case. I denied plaintiff's first request in an order dated September 11, 2007 because plaintiff had failed to comply with the requirement that he submit proof of his attempts to find counsel on his own. Attached to plaintiff's second motion for appointment of counsel are three such letters, all declining representation. I find that plaintiff has made reasonable efforts to retain counsel on his own.

At this point, then, I must consider whether plaintiff is able to represent himself given the legal difficulty of the case. Pruitt v. Mote, \_\_\_ F.3d \_\_\_, 2007 WL 2850448 (7th Cir. Oct. 3, 2007). Although this case is in its earliest stages, I am persuaded that plaintiff is not capable of representing himself.

Plaintiff has alleged that he has a history of mental illness. Although he does not describe the kind of mental illness with which he has been diagnosed, his complaint reveals that he has suffered in the past from hallucinations, hearing voices and “slightly” losing consciousness. After two suicide attempts, he has been transferred to the Wisconsin Resource Center, which is an institution designed to house mentally ill inmates. In addition, the record reveals that although some of his submissions are coherent and clearly written, others are not. One submission reveals that he has no understanding of the type of evidence he will need to gather in order to prove his state law negligence claim.

As for the complexity of this case, it is widely recognized that cases involving complex medical evidence such as will be necessary in this case are typically more difficult for pro se plaintiffs. Although plaintiff’s allegations of deliberate indifference over a period of extremely short duration may ultimately prove legally meritless, plaintiff’s state law negligence claim does not appear to suffer from any obvious shortcomings. Having a lawyer simply to decide whether it is appropriate for plaintiff to pursue the federal law claim or the state law claim or both would be helpful both to this court and to plaintiff.

Accordingly, IT IS ORDERED that plaintiff's second motion for appointment of counsel is GRANTED. As soon as counsel has been located who is willing to represent plaintiff in this case, the parties will be notified.

Entered this 5th day of October, 2007.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge