

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

LAMONT D. WALKER,

Plaintiff,

v.

RYAN ARMSON, JAMES KOTTKA,
LIEUTENANT KELLER, DYLAN RADTKE,
and DALIA SULIENE,

Defendants.

ORDER

10-cv-313-slc

Plaintiff, a prisoner at the Columbia Correctional Institution, is proceeding in this case on his claims that defendants Armson, Kottka, Keller, Radtke and Suliene were deliberately indifferent to his asthmatic condition and that defendant Keller used excessive force in violation of the Eighth Amendment. Now before the court are defendants' motion to quash interrogatories, dkt. #39 and plaintiff's third motion for appointment of counsel, dkt. #43.

Defendants object to answering plaintiff's second set of interrogatories served on defendant Dahlia Suliene and his third request for production of documents because they have already responded to 63 interrogatories. Fed. R. Civ. P. 33(a) allows a party to serve 25 interrogatories on each defendant. Plaintiff has not exceeded this number of interrogatories for any one defendant. Therefore, defendants' motion to quash plaintiff's latest round of interrogatories will be denied.

On October 22, 2010, I denied plaintiff's second motion for appointment of counsel. He has presented no new factual or legal argument which persuade me that he is entitled to appointment of counsel under *Pruitt v. Mote*, 503 F.3d 647, 655 (7th Cir. 2007). On the contrary, plaintiff is doing a capable job of representing himself. He has pursued discovery according to the Federal Rules of Civil Procedure and has responded appropriately to the

defendants' motion to quash his discovery requests. At this time, plaintiff has not shown that appointment of counsel is warranted in his case and his motion for appointment of counsel will be denied without prejudice.

ORDER

IT IS ORDERED that:

1. Defendants' motion to quash plaintiff's latest round of interrogatories, dkt. #39, is DENIED.

2. Plaintiff's motion for appointment of counsel, dkt. #43, is DENIED without prejudice.

Entered this 23rd day of December, 2010.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge