

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

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LEIGHTON DWIGHT LINDSEY,

Plaintiff,

v.

GREGORY TRATTLES, JOSEPH CHICANOWICZ,  
DYLAN RADTKE, CAPTAIN SALTZER and RYAN  
ARMSON,

Defendants.

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ORDER

10-cv-385-bbc

In an order entered in this case on October 28, 2010, I denied plaintiff's motion for appointment of counsel without prejudice because it was too early in the case to assess plaintiff's ability to litigate his case despite plaintiff's mental health issues. Now, plaintiff has filed a renewed motion for appointment of counsel. In support of his current motion, plaintiff states that after reviewing the Preliminary Pretrial Conference Order entered on November 14, 2010, he realizes that the legal complexities of prosecuting a lawsuit coupled with his mental health issues are too great for him to handle without representation. Plaintiff's motion will be denied.

In his current motion, plaintiff advances essentially the same argument he made in his original motion. When I denied plaintiff's first motion, I told him that at this early stage of the lawsuit, there is nothing in the record to suggest that he is incapable of gathering and presenting evidence to prove his claims. This situation has not changed. In the time that has passed since plaintiff filed his first motion, the court held a pretrial conference. Since the pretrial conference neither party has filed any pleadings and the case remains in its early stages. To date, plaintiff's submissions have been coherent and well written and reveal little evidence that his mental health issues have hindered his ability to prosecute this action. I would urge plaintiff to consult the pretrial conference order and if at some point he does not

understand something that is happening in this case, he is free to write to the court for additional clarification about procedures. Therefore, for the reasons expressed in the October 28 order, plaintiff's second motion for appointment of counsel will be denied, again without prejudice to plaintiff's renewing it at a later time.

ORDER

IT IS ORDERED that plaintiff's second motion for appointment of counsel, dkt. 28, is DENIED without prejudice.

Entered this 17<sup>th</sup> day of December, 2010.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge