

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

LAMONT E. MOORE,

Plaintiff,

v.

DR. GLEN HEINZL,

Defendant.

ORDER

10-cv-390-bbc

Plaintiff Lamont E. Moore is proceeding in this case on a claim that defendant Dr. Glen Heinzl violated his Eighth Amendment rights by failing to provide adequate medical treatment. On August 16, 2010, the court denied plaintiff's first motion for appointment of counsel finding that appointment of counsel was not warranted because plaintiff was capable of representing himself. Now before the court is plaintiff's second motion for appointment of counsel. Dkt. 19.

In addressing this motion, the court must consider both the complexity of the case and the pro se plaintiff's ability to litigate it himself. *Pruitt v. Mote*, 503 F.3d 647, 654-55 (7th Cir. 2007). In his motion, plaintiff states that conducting discovery and contacting an expert is difficult for him. Plaintiff was informed about discovery procedures at the pretrial conference. He states, however, that he does not understand the difference between an interrogatory and admission. An interrogatory is a written question seeking information by means of a written response. A request for an admission is a request that the other side admit or deny a written statement presented to the other side.. Although plaintiff's request for admissions filed with this court does not comply with Fed. R. Civ. P. 36, it appears that plaintiff is seeking the same information in his interrogatories. Therefore, the requests for admissions may not even be necessary.

Also, if plaintiff believes that an expert is necessary in his case, then it is up to plaintiff to find one and to pay the expert. Although a lawyer could help plaintiff in these ways, at this stage in the proceedings, he appears capable of representing himself, and the standard for appointing attorneys does not contemplate appointment for the purpose of shifting the cost of an expert onto a pro bono attorney.

Finally, as to the complexity of the case, there is nothing in the record to suggest that this case is factually or legally difficult. Plaintiff has personal knowledge of the relevant events and he should be able to fill in the gaps through discovery. In sum, I am not persuaded that plaintiff's case is so complex or his skills so lacking that appointment of counsel is warranted at this time. Plaintiff may renew his motion at a later stage in this lawsuit if he thinks things have changed enough to persuade the court to change its view.

ORDER

IT IS ORDERED that plaintiff's second motion for appointment of counsel, dkt. 19 is DENIED.

Entered this 13th day of February, 2011.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge