

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

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JOSEPH F. SHUCOFSKY,  
as personal representative of  
the Estate of D.S., and  
GLORIA D. SYKES,

Plaintiffs,

v.

DANE COUNTY, LYNDA SYKES  
and JOHN DOES #1-100,

Defendants.  
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ORDER

10-cv-393-bbc

In this civil rights action brought under 42 U.S.C. § 1983 and state law, plaintiffs Joseph Shucofsky (as the representative of the Estate of D.S.) and Gloria Sykes contend that defendants Dane County, Lynda Sykes and various unnamed county employees should be held liable for their alleged roles in the death of D.S., the daughter of plaintiff Gloria Sykes. In an October 28, 2010 order I denied defendant Lynda Sykes's motion for appointment of counsel.

Now defendant Sykes has filed another motion for appointment of counsel, but this motion suffers from the same problems as her first motion. To appoint her an attorney, I must first find that she has made a reasonable effort to find a lawyer on her own and has been unsuccessful or that she has been prevented from making such an effort. Jackson v.

County of McLean, 953 F.2d 1070 (7th Cir. 1992). To prove that she has made reasonable efforts to find a lawyer, a party must give the court the names and addresses of at least three lawyers whom she asked to represent her in this case and who turned her down.

Additionally, even had defendant Sykes shown that she sought legal assistance on her own, I would not grant her motion at this time. Under Pruitt v. Mote, 503 F.3d 647, 655 (7th Cir. 2007), a court must consider both the complexity of the case and the party's ability to litigate it herself. At this stage, it is too early to tell whether defendant Sykes has the ability to represent herself adequately in this case. Accordingly, I will deny her motion. If at later stages in the case, it appears that she cannot represent herself, she may file another motion.

#### ORDER

IT IS ORDERED that defendant Lynda Sykes's second motion for appointment of counsel, dkt. #37, is DENIED.

Entered this 13th day of January, 2011.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge