

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

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TIMOTHY FRANCIS RIPP,

Plaintiff,

v.

JANET NICKEL, MARC CLEMENTS,
GREGORY GRAMS, AL MORRIS, and
ANTHONY ASHWORTH,

Defendants.

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ORDER

10-cv-492-bbc

In this case, pro se plaintiff Timothy Francis Ripp, a Wisconsin prisoner, is proceeding on a claim that defendant prison officials violated his First Amendment rights by disciplining him for threatening to file a lawsuit or grievance. Defendants have filed a motion for summary judgment. Rather than filing a response, plaintiff has submitted a motion for an extension of his legal loan. In his motion, plaintiff states that he originally had funds remaining in his \$200 legal loan, but following the enactment of a new state legal loan statute lowering the annual limit to \$100 and forbidding loans to prisoners who have not

made arraignments to pay off their previous loans or made payments on those loans, Wis. Stat. § 301.328(1m), prison officials rescinded his legal loan, and he is now unable to submit his proposed findings.

This raises the question whether plaintiff's right to access the courts has been violated. Bounds v. Smith, 430 U.S. 817, 821-22 (1977). This is a complex legal issue that would be hard for plaintiff to develop, given his lack of legal training. In a previous order, dkt. #31, Magistrate Judge Crocker denied plaintiff's motion for appointment of counsel without prejudice. This new access to the courts issue is reason to reconsider that decision. Because plaintiff has already shown that he is indigent and that his overtures to private counsel have been rejected, I conclude that it is appropriate to appoint counsel for plaintiff in this case; at this point the appointment is for the limited purpose of fully briefing the access to the courts issue, but counsel is encouraged to represent plaintiff for the remainder of the case if he or she so chooses. Accordingly, I will stay proceedings in this case while taking steps to locate a lawyer who is willing to represent plaintiff.

A lawyer accepting appointment in a case such as this takes on the representation with no guarantee of compensation for his or her work. Plaintiff should be aware that once he has a lawyer, the court will communicate only with that lawyer and will no longer communicate directly with plaintiff about this case. The court also expects that plaintiff will communicate directly with his lawyer about any concerns and will accept his lawyer's

strategic and tactical decisions even if plaintiff disagrees with some of them. Plaintiff will not have the right to compel counsel to raise frivolous arguments or to follow every direction plaintiff might make.

ORDER

IT IS ORDERED that:

1. Plaintiff's motion for appointment of counsel, dkt. #26, is GRANTED for the purpose of fully briefing plaintiff's motion for an extension of his legal loan, dkt. #32.
2. Further proceedings in this case are STAYED pending appointment of counsel for plaintiff. When the court finds counsel willing to represent plaintiff, the court will hold a status conference to set a new schedule.

Entered this 25th day of August, 2011.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge