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

LANCE SLIZEWSKI,

Plaintiff,

v.

JIM SCHWOCHERT, DANIEL WESTFIELD, JOHN SHANDA, GARY KASZA and BARRY BRINKER,

Defendant.

ORDER

10-cv-665-slc

In an order entered December 30, 2011, I denied plaintiff's motion for appointment of counsel because his motion was premature and he had not shown that he made a reasonable effort to obtain counsel on his own. Now before the court is plaintiff's second motion for appointment of counsel.

In deciding whether to appoint counsel, I must first find that plaintiff has made a reasonable effort to find a lawyer on his own and has been unsuccessful or that he has been prevented from making such an effort. *Jackson v. County of McLean*, 953 F.2d 1070 (7th Cir. 1992). Plaintiff says that he has written to many attorneys, and as proof, has submitted three negative responses with his motion. Therefore, I conclude that plaintiff has made a reasonable effort to find a lawyer on his own.

The next question is whether plaintiff meets the legal standard for appointment of counsel. Litigants in civil cases do not have a constitutional right to a lawyer; federal judges have discretion to determine whether appointment of counsel is appropriate in a particular case. *Pruitt v. Mote*, 503 F.3d 647, 654, 656 (7th Cir. 2007). They exercise that discretion by determining from the record whether the legal and factual difficulty of the case exceeds the plaintiff's demonstrated ability to prosecute it. *Id.* at 655.

In his motion, does not offer any additional reasons why he should be granted the appointment of an attorney. However, in plaintiff's first motion to appoint counsel submitted on December 22, 2010, he said that he has no experience with civil cases and needs help. As I explained in my previous order, plaintiff's case is factually and legally simple. In addition, plaintiff has personal knowledge of the circumstances surrounding his lawsuit. If he does not have copies of documents he needs to prove his claim, he can use discovery to obtain any additional information he needs to make his case. Therefore, I cannot find that plaintiff lacks the ability at this time to litigate this case on his own.

Shortly after the February 8, 2011 preliminary pretrial conference, plaintiff was sent the pretrial conference order, which included a copy of the court's procedures for filing or opposing dispositive motions. These procedures were written for the very purpose of helping pro se litigants understand how these matters work. Plaintiff must read over these documents as well as the entire February 11, 2011 pretrial conference order so that he understands how his case will proceed and what his responsibilities are. Going forward, if plaintiff has questions about aspects of this lawsuit, he may write to the court for clarification.

With respect to the complexity of the case, there is nothing in the record to suggest that this case is factually or legally difficult. The law concerning plaintiff's claim was explained to him in the February 11, 2011 order. Furthermore, plaintiff has personal knowledge of the circumstances surrounding his phone calls to his attorney and he should already possess or be able to obtain through discovery relevant documentation he needs to prove his claim. In sum, I am not persuaded that appointment of counsel is warranted in this case.

ORDER

IT IS ORDERED that plaintiff's second motion for appointment of counsel, dkt. #23, is DENIED without prejudice.

Entered this 19th day of April, 2011.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge