

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

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MATTHEW STECHAUNER,

Plaintiff,

v.

RICK RAEMISCH, MICHAEL THURMER  
and GARY ANKARLO,

Defendants.  
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ORDER

10-cv-777-bbc

In this civil action, plaintiff Matthew Stechauner is proceeding on claims that defendants Rick Raemisch, Michael Thurmer and Gary Ankarlo violated his rights under the Eighth Amendment by failing to provide him adequate health care. Plaintiff has filed a motion for appointment of counsel, stating that he suffers from mental illnesses such as post-traumatic stress disorder, mental retardation and a learning disorder. In addition he has no legal knowledge and the jailhouse lawyer who has assisted him thus far can no longer work with him.

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). To prove that he has made a reasonable effort to find a lawyer, plaintiff must give the court the names and addresses of at least three lawyers that he asked to represent him on the issues on which he has been allowed to proceed and who turned him down. Plaintiff has fulfilled this requirement.

Appointment of counsel is appropriate in those relatively few cases in which it appears from the record that the legal and factual difficulty of the case exceeds the plaintiff's demonstrated ability to prosecute it. Pruitt v. Mote, 503 F.3d 647, 654-55 (7th Cir. 2007). Although plaintiff may lack legal knowledge, that is not a sufficient reason to appoint counsel, since this handicap is almost universal among pro se litigants. As this case progresses, plaintiff will improve his knowledge of court procedure. To help him, this court instructs pro se litigants at a preliminary pretrial conference about how to use discovery techniques available to all litigants so that he can gather the evidence he needs to prove his claim. In addition, plaintiff will be provided with a copy of this court's procedures for filing or opposing dispositive motions and for calling witnesses, both of which were written for the very purpose of helping pro se litigants understand how these matters work.

As for the other issues raised by plaintiff, it is too early to tell whether they will overwhelm plaintiff's ability to litigate this case. Plaintiff's previous jailhouse lawyer may no longer be available to assist him, but he may still be able to get assistance from another

inmate. Finally, plaintiff's mental health issues may be a concern but he has not yet shown that they have affected his litigation of this case. As this case progresses, it may become apparent that appointment of counsel is warranted, but for now I will deny his motion. Plaintiff is free to renew his motion at a later date.

#### ORDER

IT IS ORDERED that plaintiff Matthew Stechauner's motion for appointment of counsel, dkt. #6, is DENIED without prejudice to him renewing his motion at a later date.

Entered this 1st day of February, 2011.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge