

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

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RONNIE FAMOUS,

Plaintiff,

v.

DOE ZOHIA, RICHARD HEIDORN,  
DOE WATERFORD, JANE DOE NURSE,  
JAMES WONG, ANDREW KESSLER,  
KATHY BRESTER, JEANANNE ZWIERS,  
DAVE BURNETT and JAMES RICHARDS,

Defendants.

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ORDER

12-cv-144-wmc

In an order dated April 6, 2012, this court denied plaintiff's motions for appointment of counsel and appointment of a guardian ad litem without prejudice, *dk.* 13. Plaintiff has now filed a motion for reconsideration of that order, *dk.* 18. I am denying this motion.

As with plaintiff's first motion for appointment of counsel, this motion for reconsideration appears to be drafted by another GBCI inmate (Jordan Jones) but signed by plaintiff. The motion for reconsideration reiterates that plaintiff is incompetent and "does not understand the legal process, procedures and things required to litigate this case." *Dkt.* 18 at 2. There also is an example of plaintiff's incompetence related to basic legal jargon. *Id.* In addition, plaintiff cites his lack of access to his legal materials and basic legal supplies as a basis for granting his appointment of counsel.

In support of his motion, plaintiff argues that he does not possess the mental faculties to proceed with his case. Nothing in the record, nor in plaintiff's motion, leads me to believe plaintiff does not have a basic understanding of the court and his claims. This lawsuit is just starting and nothing suggests to the court that plaintiff is incapable of litigating the case himself. This is not a legally difficult case, and the court has provided plaintiff with materials to assist

him throughout. The court also explained to plaintiff the relevant law concerning his claims in the initial order denying appointment of counsel. Dkt. 13.

In addition, plaintiff states that he is entitled to the appointment of counsel because of inadequate legal supplies, being denied access to his legal documents, and denial of a legal loan. However, lack of supplies to conduct litigation is not a reason to appoint an attorney. Plaintiff appears to believe that because he is destitute and has been denied a legal loan, he is entitled to appointed counsel who will bear the expense of his lawsuit. That is not the case. Plaintiff is in a position no different from a person who is not incarcerated with limited funds with which to file lawsuits in federal court. If the limitations on his funds prevent him from prosecuting his case, he is free to file a motion to that effect, but he will have to explain in detail what tasks he is being blocked from performing. Alternatively, plaintiff could choose to dismiss the voluntarily and bring it at a later date, when he has the funds available. It would be improper to appoint counsel for the sole purpose of shifting plaintiff's costs to a lawyer. In sum, because I am satisfied that no error occurred in denying plaintiff's motion for appointment of counsel, his motion for reconsideration of the decision for appointment of counsel will be denied.

In his motion for reconsideration, plaintiff includes another request for a guardian ad litem. The court had denied this request as it was unclear what separate role a guardian ad litem would play in plaintiff's case. To date, plaintiff has not satisfied the court's inquiry as to how a guardian ad litem would assist in plaintiff's case. Accordingly, I will deny plaintiff's request for reconsideration of this court's decision denying a guardian ad litem.

ORDER

IT IS ORDERED that plaintiff Ronnie Famous' motion for reconsideration of this court's denial of his motion for appointment of counsel and appointment of a guardian ad litem, dkt. 18, is DENIED without prejudice for reconsideration later in this lawsuit.

Entered this 11<sup>th</sup> day of May, 2012.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge