

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

CURTIS SINGLETON,

Plaintiff,

v.

JOANN LANE, JANEL NICKEL,
MR. ASHWORTH and JOHN DOES 1-5,

Defendants.

ORDER

12-cv-415-slc

Plaintiff Curtis Singleton, a prisoner at the Waupun Correctional Institution, has submitted a proposed complaint under 42 U.S.C. § 1983, in which he alleges that staff at the Columbia Correctional Institution assaulted him and retaliated against him. Currently before the court is plaintiff's motion for assistance in finding counsel to represent him in his case.

In deciding whether to assist plaintiff, 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 met this requirement.

However, plaintiff's request for assistance in finding an attorney comes too early for the court to grant it. As a starting point, this court would recruit a lawyer for almost every pro se plaintiff if lawyers were available to take these cases. But they are not. Most lawyers do not have the time, the background or the desire to represent pro se plaintiffs in a pro bono capacity, and this court cannot make them. So the court only recruits counsel in cases where there is a demonstrated need, using the appropriate legal test.

In his motion, plaintiff says he needs a lawyer because he has been relying on a jailhouse lawyer (he does not explain whether that assistance is still available for him) and that he suffers from developmental disabilities which make the prosecution of this case too difficult for him to attempt alone. Recruiting 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). It is too early to make that determination in this case, as the court has not yet issued an order screening the case and telling plaintiff on which of his claims he will be proceeding.

At this point, the court cannot tell whether plaintiff will be able to litigate the case. His filings have been easy to understand, although it is difficult to tell how much assistance plaintiff has gotten from his jailhouse lawyer. After the case is screened and the case progresses, it may become obvious that counsel is warranted, but for now, plaintiff has not shown that he requires the assistance of counsel at this early stage of the proceedings. Therefore, the motion will be denied without prejudice to plaintiff's renewing his request at a later time.

ORDER

IT IS ORDERED that plaintiff's motion for assistance in the recruitment of counsel, dkt. 2, is DENIED without prejudice.

Entered this 20th day of February, 2013.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge