

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

MICHAEL CORTEZ ROWE,

Plaintiff,

v.

NURSE TRISH, KAREN ANDERSON,
SGT. HAGG, LT. KARNA
and DAVID SPANNAGEL,

Defendants.

ORDER

14-cv-195-bbc

Pro se prisoner Michael Cortez Rowe is proceeding on claims that: (1) defendants Karen Anderson, Nurse Trish, Nurse David Spannagel, Lieutenant Karna and Sergeant Hagg refused to provide him appropriate treatment for his seizures, in violation of the Eighth Amendment; and (2) defendant Karna disciplined plaintiff for filing a grievance, in violation of the First Amendment. Now before the court is plaintiff's motion for assistance in recruiting counsel under 28 U.S.C. § 1915(e)(1), dkt. #17, which I am denying because it is premature.

First, before a district court can consider a request for counsel, it must first find that the plaintiff has made reasonable efforts to find a lawyer on his own and was unsuccessful or was prevented from making such efforts. Jackson v. County of McLean, 953 F.2d 1070 (7th Cir. 1992). To prove that he has made reasonable efforts to find a lawyer, plaintiff must

give the court letters from at least three lawyers who denied plaintiff's request for representation. Plaintiff has not yet complied with that requirement. Instead, he submitted a letter from only one lawyer. He says he received letters from two other lawyers, but he lost those letters.

This court's rule requiring pro se litigants to submit three rejection letters from lawyers helps insure that the court's limited resources are expended only for those individuals who truly need help. If a pro se litigant is unable provide three rejection letters to the court for any reason, he should send copies of the letters *he* sent to the lawyers, along with a sworn declaration that he mailed the letters and that the lawyers have not agreed to represent him.

Even if plaintiff had shown that he made reasonable efforts to find his own lawyer, I would deny his motion. Because the pro se litigants who file lawsuits in this district vastly outnumber the lawyers who are willing and able to provide representation, the court cannot find a lawyer for every pro se litigant who requests one. Thus, assistance in recruiting counsel is appropriate only when the plaintiff demonstrates that his is one of those relatively few cases in which it appears from the record that the legal and factual difficulty of the case exceeds his ability to prosecute it. Pruitt v. Mote, 503 F.3d 647, 654-55 (7th Cir. 2007). The question is not simply whether a lawyer might do a better job.

In this case, it is too early to determine whether plaintiff meets the Pruitt standard. Thus far, plaintiff has not demonstrated any reason to believe that he cannot represent himself competently. He does not allege that he suffers from a mental illness or other mental impairment. Further, plaintiff's complaint is relatively clear and well-organized and shows that

he is able to describe the facts of his case, which is an important skill than many pro se litigants do not have. At this point, plaintiff has not been required to do anything except file his complaint, so it is difficult to determine at this stage the extent of his legal ability.

The only reason plaintiff gives in his motion for needing counsel is that he “know[s] nothing about the law,” but that is the same situation that most pro se litigants face. The court explained the relevant law to plaintiff in the screening order and Magistrate Judge Stephen Crocker told plaintiff at the preliminary pretrial conference how the lawsuit will proceed. Plaintiff should study the preliminary pretrial conference order and the documents attached to it because it may answer many questions that he has.

If later developments in the case show that plaintiff is unable to represent himself, he is free to raise this issue again.

ORDER

IT IS ORDERED that plaintiff Michael Rowe’s motion for assistance in recruiting counsel, dkt. #17, is DENIED.

Entered this 10th day of March, 2015.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge