

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

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LADERIAN McGHEE,

Plaintiff,

v.

DALIA SULIENE, KAREN ANDERSON,  
and KEN ADLER,

Defendants.  
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ORDER

15-cv-258-bbc

Pro se prisoner Laderian McGhee is proceeding on the following claims: (1) defendants Dalia Suliene and Karen Anderson refused to change plaintiff's medication or refer him to a specialist, in violation of the Eighth Amendment and state negligence law; (2) defendant Adler reduced the dosage of plaintiff's medication, in violation of the Eighth Amendment and state negligence law. Now before the court is plaintiff's motion for assistance in recruiting counsel. Dkt. #11. For the reasons discussed below, I am denying plaintiff's motion.

First, before a district court can consider a request for counsel, it must first find that the plaintiff 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. Plaintiff says in his motion that he contacted several lawyers, but he did not submit copies of letters they sent him.

Even if plaintiff had demonstrated that he made reasonable efforts to find a lawyer, I would deny his motion as premature. 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.

This case is still in its early stages. I granted plaintiff leave to proceed in an order July 16, 2015, dkt. #8, but nothing else of significance has occurred, so it is too early to tell whether plaintiff might need a lawyer's assistance at some point. Plaintiff's complaint was clear, well-organized and demonstrated an understanding of the relevant facts and law, so I see no evidence in the complaint that this case is too difficult for plaintiff to prosecute on his own.

Plaintiff says that he has been "relying completely" on another prisoner who can no longer help him, but it is difficult to take this statement seriously. Plaintiff has litigated two other cases in this court on his own, one of which involved medical questions. McGhee v. Ashworth, No. 09-cv-722-slc (W.D. Wis.); McGhee v. Suliene, No. 13-cv-67-bbc (W.D. Wis.). In both cases, plaintiff defeated the defendants' motion for summary judgment, at

least in part. (In fact, in case no. 09-cv-722-slc, dkt. #51, defendants *withdrew* their motion for summary judgment after reviewing plaintiff's opposition materials and concluding that plaintiff had demonstrated that summary judgment was not appropriate.) It is true that the courts in both cases recruited counsel to represent plaintiff *at trial*, but this was only because plaintiff suffers from seizures and the courts had concerns that he could suffer a seizure at trial. These decisions had nothing to do with plaintiff's legal abilities.

Plaintiff says that he is still concerned about seizures, but he does not say that his seizures are so frequent as to prevent him from working on this case. In fact, plaintiff conceded in his complaint that he has not suffered a seizure since 2013. Dkt. #1 at ¶ 39. He does not allege that he has suffered from any seizures since he filed his complaint. Plaintiff also says that his seizure medication "sometimes" makes him confused and disoriented, but, again, he does not suggest that this occurs so frequently as to impair his ability to litigate this case.

Next, plaintiff makes a number of vague allegations about interference with mail and making copies of legal documents. He cites no evidence in support of these allegations and he does not identify any specific instances of interference. Even if he had, the proper response would not be to ask for a lawyer, but to file a motion in which he asked the court to enjoin the relevant officials from denying his access to the courts.

Plaintiff includes a statement in his motion that he needs counsel to help him identify the staff members "who are liable with respect to Plaintiff's May 2012 seizure." This may suggest that plaintiff wants to amend his complaint to add a claim about that seizure.

However, plaintiff does not explain why he believes he needs more information to make that determination or why he needs counsel to help him gather whatever facts he needs.

Accordingly, I conclude that plaintiff has not demonstrated at this time that he is entitled to assistance in recruiting counsel.

ORDER

IT IS ORDERED that Laderian McGhee's motion for assistance in recruiting counsel, dkt. #11, is DENIED.

Entered this 28th day of August, 2015.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge