

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

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FREDRICK MORRIS,

Plaintiff,

v.

ETHAN MARCZEWSKI,  
CHRISTOPHER TERSTRIEP,  
and ANGEL GENEMEN,

Defendants.

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ORDER

22-cv-335-jdp

Plaintiff Fredrick Morris is currently incarcerated at Green Bay Correctional Institution. He alleges that when he was at Columbia Correctional Institution, defendant correctional officers used excessive force against him by repeatedly unnecessarily tasing him. Neither side has filed a dispositive motion, so the case is currently set for trial starting November 6, 2023.

Morris has filed a motion for appointment of counsel and a motion to compel discovery. Dkts. 23 and 24. Litigants in civil cases do not have a constitutional right to counsel, and I do not have the authority to appoint counsel to represent a pro se plaintiff in a civil matter. Rather, I can only assist in recruiting counsel who may be willing to serve voluntarily. *See* 28 U.S.C. § 1915(e)(1); *Pruitt v. Mote*, 503 F.3d 647, 654, 656 (7th Cir. 2007) (en banc).

To show that it is appropriate for the court to recruit counsel, a plaintiff must first show that he is unable to afford counsel and that he has made reasonable efforts to locate an attorney on his own. Morris's submissions show that he cannot afford a lawyer on his own and that multiple attorneys have turned him down, so he meets these requirements.

A plaintiff must also demonstrate that his case is one of those relatively few in which it appears from the record that the legal and factual difficulty of the case exceeds his ability to

prosecute it. *Pruitt*, 503 F.3d at 654–55. Morris states that it will be difficult for him to litigate the case because he suffers from schizophrenia; he has been moved to a new prison, making his investigation into identifying eyewitnesses to the incident difficult; and he has little law library access. Under these circumstances, I conclude that the difficulty of litigating this case going forward would exceed Morris’s abilities. So I will grant his motion for assistance in recruiting counsel, and the court will attempt to recruit counsel to represent him. The case will be stayed pending recruitment of counsel. I advise Morris that the search for counsel may take several months, and there is no guarantee that the court will find counsel willing to represent him.

I will deny Morris’s motion to compel discovery without prejudice to him renewing it after the court recruits counsel for him.

#### ORDER

IT IS ORDERED that:

1. Plaintiff Fredrick Morris’s motion for the court’s assistance in recruiting him counsel, Dkt. 23, is GRANTED.
2. The case is STAYED pending recruitment of counsel for plaintiff.
3. Plaintiff’s motion to compel discovery, Dkt. 24, is DENIED without prejudice.

Entered September 5, 2023.

BY THE COURT:

/s/

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JAMES D. PETERSON  
District Judge