

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA**

MICHAEL WOODS,)
vs. Plaintiff,)) No. 2:11-cv-0218-JMS-WGH
R. WELLS and DR. WILDES,)
Defendants.)

Entry Discussing Plaintiff's Filing of November 13, 2012

The plaintiff's filing of November 13, 2012 [41], raises several issues. First, he complains that he cannot afford to tender witness fees so he will not be able to present his witnesses at the *Pavey* hearing set for December 14, 2012, at 2:00 pm. Second, he seeks the appointment of counsel at the *Pavey* hearing. Third, he inquires as to when he should attempt to add a new defendant. Fourth, he asserts that he has not been permitted to review his offender packet to obtain evidence for the hearing. Each issue is addressed as follows:

1. As discussed during the telephonic conference of October 17, 2012, there are no public funds available for the purpose of paying witness fees and mileage. The plaintiff will be able to testify on his own behalf, question any witnesses who appear voluntarily, and cross-examine the defendants' witnesses. Specifically, the plaintiff will be able to call former Superintendent James Basinger as a witness only if he timely pays the required fees.

2. The plaintiff's request for the appointment of counsel to represent him at the *Pavey* hearing is **denied** because the plaintiff's comprehensible filings, his use of the court's processes, and his familiarity with both the factual circumstances and legal principles surrounding the issue of exhaustion of administrative remedies demonstrate that he will be able to adequately represent himself at the court hearing. *See Pruitt v. Mote*, 503 F.3d 647, 654-55 (7th Cir. 2007).

3. The plaintiff's request to add another defendant is **denied for the present**. If the case survives the exhaustion of administrative remedies defense as a result of the *Pavey* hearing, the plaintiff may file a motion for leave to amend complaint and at that time he shall tender with the motion his proposed amended complaint.

4. Counsel for defendant Wells shall be prepared to **report during the November 27, 2012, telephonic conference** the circumstances under which the plaintiff has been able to review his offender packet as discussed during the October 17, 2012, telephonic conference. If the plaintiff has not be provided access to his packet, counsel shall assist in making those arrangements.

IT IS SO ORDERED.

Date: _____

Distribution:

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All Electronically Registered Counsel