

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

DANIEL REESE FUQUAY, SR.,)	
)	
Plaintiff,)	
vs.)	No. 3:09-cv-166-WTL-WGH
)	
CARL A. HELDT, et al.,)	
)	
Defendants.)	

ENTRY

The plaintiff's motion for the appointment of counsel (dkt 19) has been considered. The court applies a three-part inquiry when deciding whether to grant such requests for counsel. The first of these is to determine "if the indigent has made reasonable efforts to retain counsel and was unsuccessful or that the indigent was effectively precluded from making such efforts." *Jackson v. County of McLean*, 953 F.2d 1070, 1073 (7th Cir. 1992). The court must deny "out of hand" a request for counsel made without a showing of such effort. *Farmer v. Haas*, 990 F.2d 319 (7th Cir.), *cert. denied*, 114 S. Ct. 438 (1993).

Because the plaintiff's motion for the appointment of counsel fails to indicate that he has sought representations from the private marketplace on his own, that motion (dkt 19) is **denied**.

IT IS SO ORDERED.

Date: 03/18/2010



Hon. William T. Lawrence, Judge
United States District Court
Southern District of Indiana

Distribution:

Daniel Reese Fuguay Sr.
DOC #892750
Branchville Correctional Facility
21390 Old State Road 37
Branchville, IN 47514

David V. Miller
Ziemer Stayman Weitzel & Shoulders
dmiller@zsws.com

Keith W. Vonderahe
Ziemer Stayman Weitzel & Shoulders
kvonderahe@zsws.com