

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

| | | |
|--------------------------|---|---------------------------|
| ALAN JOSUE RUIZ, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | No. 4:16-cv-00204-TWP-DML |
| |) | |
| B. DOOLEY Nurse/Officer, |) | |
| WIMBERLEY, |) | |
| GILTNER, |) | |
| |) | |
| Defendants. |) | |

Entry Discussing Request for Recruitment of Counsel

The plaintiff has filed a motion for assistance with recruiting counsel. “In a civil case, the Court has discretion to recruit counsel to represent a litigant who is unable to afford one.” *Navejar v. Iyiola*, 718 F.3d 692, 696 (7th Cir. 2013) (citing 28 U.S.C. § 1915(e)(1); *Ray v. Wexford Health Sources, Inc.*, 706 F.3d 864, 866–67 (7th Cir. 2013)). As a threshold matter, litigants must make a reasonable attempt to secure private counsel on their own. *Pruitt v. Mote*, 503 F.3d 647, 653 (7th Cir. 2007). “If a plaintiff makes a reasonable attempt to secure counsel, the court must examine ‘whether the difficulty of the case—factually and legally—exceeds the particular plaintiff’s capacity as a layperson to coherently present it.’” *Navejar*, 781 F.3d at 696 (quoting *Pruitt*, 503 F.3d at 655). This inquiry focuses not only the plaintiff’s ability to try his case, but “also includes other ‘tasks that normally attend litigation’ such as ‘evidence gathering’ and ‘preparing and responding to motions.’” *Id.*

In this case, the plaintiff has not provided any indication that he has unsuccessfully attempted to obtain legal counsel on his own. Nonetheless, the plaintiff has provided a detailed

complaint setting forth his claims. Moreover, the issues in this case – that the defendants exercised excessive force against the plaintiff or failed to protect him from that force – appear at this stage to be straightforward and uncomplicated. Therefore, at this juncture, given the nature of the case, it appears that the plaintiff is competent to litigate this case himself. Accordingly, the plaintiff's motion for assistance with recruiting counsel [dkt 23] will be **denied**. If the plaintiff wishes to renew his motion, he may consider using the enclosed Motion for Assistance with Recruiting Counsel form.

IT IS SO ORDERED.

Date: 2/1/2017

Distribution:

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All electronically registered counsel



TANYA WALTON PRATT, JUDGE
United States District Court
Southern District of Indiana