

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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EUGENE CHERRY and VALERIE DABEL,

Plaintiffs,

v.

Case No. 11-C-1021

WASHINGTON COUNTY SHERIFFS'  
DEPARTMENT, et al.,

Defendants.

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**ORDER**

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Plaintiffs have filed three motions, which I address herein. The first is both frivolous and moot. In it, Plaintiffs ask that this Court order several defendants to accept service of the complaint. Since the filing of the motion, these defendants have appeared through counsel, rendering the motion moot.

The second motion asks for leave to amend the complaint to add claims based on racial profiling. Leave to amend will be granted to allow claims for violations of the Equal Protection Clause based on racial profiling. *Sow v. Fortville Police Dept.*, 636 F.3d 293 (7th Cir. 2011). The motion did not follow the Local Rules, however, which require the proposed amended pleading to be attached to the motion to amend. *See* Civil L. R. 15(b). Because Plaintiffs are *pro se*, I will allow them to file an amended complaint including their equal protection claims within 21 days of the date of this order.

Finally, Plaintiffs have filed a second motion seeking appointment of counsel. Plaintiff Cherry indicates that he is in "seg" and has limited access to a law library. Plaintiff Dabel, while a free citizen, is a mother and does not have time to do legal research. These assertions do not

justify the “appointment” of counsel. Plaintiffs should be aware that there is no procedure nor funding for “appointed” counsel in civil cases. Instead, in rare cases, a judge will inquire if an attorney wishes to volunteer and donate his or her time to ensure that Due Process is met in a given action. Certainly, the fact that an inmate litigant has wound up in segregated confinement should not be a factor in his *favor*, lest inmates be given an incentive to misbehave. This is a garden variety civil action alleging violations of the Fourth and Fourteenth Amendments. The Plaintiffs are their own best witnesses as to what occurred, and they appear well equipped to alert the Court to their positions and concerns (having filed no fewer than six motions already). If a trial proves necessary the matter will be revisited.

The motion to compel is **DENIED**. The motion to amend is **GRANTED**: Plaintiffs should submit an amended complaint within 21 days of the date of this order. The motion to appoint counsel is **DENIED**.

**SO ORDERED** this  30th  day of January, 2012.

s/ William C. Griesbach   
William C. Griesbach  
United States District Judge