

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

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JAMES JENKINS III,

Plaintiff,

ORDER

v.

09-cv-323-wmc

JAMES FREEMAN,

Defendant.

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Prisoner James Jenkins III is proceeding pro se on a claim that defendant James Freeman, a staff member at the Wisconsin Resource Center, violated his Eighth Amendment rights by encouraging other prisoners to assault him. In a July 15, 2010 order, the Court denied Freeman's motion for summary judgment and stayed further proceedings in order to locate a lawyer willing to represent Jenkins.

Christopher C. Davis and John C. Scheller, members of the Wisconsin Bar, have agreed to represent Jenkins, with the understanding that they will serve with no guarantee of compensation for their services. It is this Court's intention that the appointment of these attorneys to represent plaintiff extend to proceedings in this Court only.<sup>1</sup>

As was explained in the July 15 order, Jenkins should be aware that in any case in which a party is represented by a lawyer, the Court communicates only with counsel. Thus, the Court will no longer communicate with Jenkins directly about matters pertaining to this case. It will be expected that Jenkins will communicate directly with his lawyers about any concerns and

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<sup>1</sup> "Proceedings in this Court" include all matters leading up to a final judgment on the merits, the filing of a Notice of Appeal, if appropriate, and ensuring that all steps are taken to transfer the record to the Court of Appeals for the Seventh Circuit, but without obligation to represent Jenkins in an appeal.

allow the lawyers to exercise their professional judgment to determine which matters are appropriate to bring to the Court's attention, what motions and other documents are appropriate to file and what steps will most effectively advance his case, keeping in mind his appointed counsel's paramount obligation will be to advance his interests in light of the facts, law and ethical constraints. Jenkins should be prepared to accept the strategic decisions made by his lawyers even if he disagrees with some of them, and he should understand that it is unlikely that this Court will appoint another lawyer to represent him should plaintiff choose not to work with these appointed lawyers.

The Court will schedule a status conference, at which time a new schedule will be set for moving this case to resolution.

#### ORDER

IT IS ORDERED that Christopher C. Davis and John C. Scheller are appointed to represent plaintiff in this case. The Court will schedule a status conference, at which time a new schedule will be set for moving this case to resolution.

Entered this 13th day of August, 2010.

BY THE COURT:  
/s/  
WILLIAM M. CONLEY  
District Judge