

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

LA'MONT WALKER,

Plaintiff,

v.

BURTON COX,

Defendant.

ORDER

15-cv-686-jdp

Pro se plaintiff La'Mont Walker is currently incarcerated at the United States Penitentiary-Big Sandy, located in Inez, Kentucky. Walker alleges that defendant Dr. Burton Cox failed to properly treat his back pain when he was housed at Wisconsin Secure Program Facility.

After I denied defendant's motion for summary judgment in part, I stayed the case to recruit counsel for Walker. *See* Dkt. 86. The case has been stayed for more than a year. During that time, the court has contacted members of the Western District of Wisconsin Bar Association, members of the Seventh Circuit Bar Association, and some of the largest laws firms practicing in this court who have agreed to regularly take on representation of pro se parties like Walker. Unfortunately, no lawyer has agreed to take the case and the court has exhausted its options.

Walker has written to the court asking to lift the stay. Dkt. 95. I will grant that request. Because the court was unable to find counsel to represent him, Walker now has a choice: (1) proceed on his own without counsel; or (2) dismiss this case without prejudice. If Walker chooses to dismiss the case, the dismissal will be without prejudice, which means that Walker could file a new case at a later date. However, the statute of limitations would continue to run.

Dupuy v. McEwen, 495 F.3d 807, 810 (7th Cir. 2007) (“[W]hen a suit is dismissed without prejudice, the statute of limitations continues to run from the date (normally the date of the injury) on which the claim accrued.”).

ORDER

IT IS ORDERED that:

1. Plaintiff La’Mont Walker’s motion to lift the stay in this case, Dkt. 95, is LIFTED.
2. Plaintiff may have until May 15, 2020, to inform the court in writing whether he wishes to: (1) continue litigating the case but without counsel or (2) dismiss the case without prejudice.
3. If plaintiff chooses the first option, the clerk of court will set a telephone scheduling conference with Magistrate Judge Crocker. If plaintiff fails to respond, I will take his silence to mean that he is choosing the second option and I will direct the clerk of court to close the case.

Entered April 30, 2020.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge