

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

JAMES L. KIRK,

Plaintiff,

v.

TAMMI MAASSEN, W. BRAD MARTIN, DEBRA TIDQUIST,
CHERYL MARSOLEK and GEORGIA KOSTOHYZ,

Defendants.

ORDER

18-cv-110-bbc

Pro se plaintiff and prisoner James L. Kirk is proceeding on claims that he has been denied adequate medical treatment for a serious heart condition. Now before the court is plaintiff's motion to stay proceedings in this case. Dkt. #28. Plaintiff says that his heart condition has deteriorated, causing him significant pain and fatigue and making it difficult for him to prosecute this lawsuit. He asks that the case be stayed indefinitely until he feels good enough to continue litigating it. Defendants do not oppose the motion, and have filed medical records confirming that plaintiff has a serious heart condition and that his doctors are in the process of determining how to treat him. Dkt. #30-1.

On two previous occasions, plaintiff requested that the court attempt to recruit counsel to represent him in this case. I denied plaintiff's requests because it appeared plaintiff was capable of litigating this case on his own. However, in light of plaintiff's deteriorating condition, I conclude that the difficulty of litigating his claim going forward would exceed his abilities. Pruitt v. Mote, 503 F.3d 657, 656 (7th Cir. 2007). Accordingly,

instead of staying this case until plaintiff feels good enough to litigate on his own, I will strike the trial date and current schedule and will stay the case while the court attempts to recruit counsel to represent plaintiff. If the court is able to recruit counsel to represent plaintiff, the court will set a status conference to set a new schedule for this case.

ORDER

IT IS ORDERED that plaintiff James L. Kirk's motion to stay this case, dkt. #28, is GRANTED. The trial and remaining deadlines are STRUCK and proceedings in this case are STAYED pending recruitment of counsel for plaintiff. If the court finds counsel willing to represent plaintiff, the court will advise the parties and schedule a status conference.

Entered this 9th day of January, 2019.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge