

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

MATTHEW LA BREC,

Plaintiff,

v.

JAMES T. MURPHY,

Defendant.

ORDER

22-cv-284-jdp

Pro se plaintiff Matthew La Brec contends that defendant James T. Murphy failed to adequately treat his chronic back pain. La Brec brings claims under the Eighth Amendment and Wisconsin common law. Trial is set for January 16, 2024. La Brec has filed a motion asking for the court's assistance in recruiting him counsel. Dkt. 123.

A pro se party seeking assistance in recruiting counsel must show three things: (1) he is indigent; (2) he has made reasonable efforts to find counsel on his own; and (3) the case is too complex for him to litigate on his own. *Walker v. Price*, 900 F.3d 933, 938 (7th Cir. 2018); *Pruitt v. Mote*, 503 F.3d 647, 649 (7th Cir. 2007). La Brec has met the first requirement because he is proceeding in forma pauperis under 28 U.S.C. § 1915. He has met the second requirement by asking multiple lawyers to represent him.

But I am not persuaded that the issues at trial will be too complex for La Brec to handle. La Brec argues that that the medical care issues will be "very difficult to present at trial." *Id.* at 1. But that should not be the case. For instance, I have already concluded that La Brec doesn't need expert testimony to prove his claims that Murphy violated his rights by persisting with ineffective pain treatment after the DOC medical director refused to approve pregabalin for him.

La Brec states that he has untreated attention deficit hyperactivity disorder. But he doesn't explain how that condition will affect his preparations or trial performance, and his filings in this and other cases give me no reason to think that his abilities are below those of the many plaintiffs who have conducted trials in this court pro se. I will deny his motion for the recruitment of counsel without prejudice.

La Brec has also filed a motion asking for a court trial. Dkt. 124. But defendant Murphy has already demanded a jury trial so I will deny that motion.

ORDER

IT IS ORDERED that:

1. Plaintiff Matthew La Brec's motion for the court's assistance in recruiting him counsel, Dkt. 123, is DENIED without prejudice.
2. Plaintiff's motion for a court trial, Dkt. 124, is DENIED.

Entered November 14, 2023.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge