

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**ALEJANDRO ARROYO,**

Plaintiff,

**v.**

**Case No. 17-CV-1561**

**DANIEL MAHER, *et al.*,**

Defendants.

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**ORDER**

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On multiple occasions, plaintiff Alejandro Arroyo has asked the court to recruit a lawyer to represent him. On March 14, 2019, after learning new information about Arroyo's circumstances, the court granted his motion and stayed the discovery and dispositive motion deadlines. Shortly thereafter, the court began efforts to find a lawyer willing to represent Arroyo through discovery and the briefing of dispositive motions. None of the lawyers the court contacted were willing or able to represent Arroyo. They all expressed concern about the significant amount of time it would require to coordinate with Arroyo, participate in discovery, and brief summary judgment.

On June 3, 2019, after Arroyo requested an update on the court's efforts, the court explained to Arroyo that pro se prisoners in § 1983 cases do not have a right to counsel, and "the fact that a court decides to recruit a volunteer does not create a right either." *Wilborn v. Ealey*, 881 F.3d 998, 1008 (7th Cir. 2018). As the Court of

Appeals for the Seventh Circuit recently confirmed, “[I]dentifying a volunteer is not always possible,” and courts do not have “an indefinite commitment to search until a volunteer is found.” *Id.*; *Giles v. Godinez*, 914 F.3d 1040, 1053 (7th Cir. 2019). The court informed Arroyo that, although the court would continue its efforts to find a lawyer willing to represent him, Arroyo would have to proceed with this case on his own for the time being.

A few weeks after the court’s order, Arroyo filed three letters asking for help with discovery. Arroyo explained that he was having difficulty getting the documents he needed to identify the John Doe defendant. The court scheduled a telephonic conference to discuss Arroyo’s concerns. At the conference, defense counsel reported that Arroyo had not yet signed a release authorizing the defendants to access his medical records, so they did not have access to many of the documents Arroyo had requested. The court had a difficult time communicating with Arroyo. His speech was slurred, he spoke with a heavy Spanish accent, and he appeared to have difficulty answering the court’s questions. Arroyo agreed to sign the medical records authorization form, and defense counsel agreed to work with Arroyo to ensure he received the documents he wanted.

A couple of weeks later, the court received a letter written by another inmate on behalf of Arroyo. The inmate explains that Arroyo is in “dire need” of a lawyer. He explains that Arroyo received some documents from the defendants, but he has no idea what to do with them or how to interpret them. He also states that Arroyo thinks some of the documents, such as incident reports, are missing. Finally, he asks to add

two additional defendants. The inmate clarifies that Arroyo “is still in need of names of the other individuals involved.” (ECF No. 48.)

The court will stay this case until a lawyer who is willing to represent Arroyo can be found. The court’s discussions with Arroyo at the conference and the fact that Arroyo seems completely reliant on other inmates to communicate with the court confirms that Arroyo is unable to litigate this case on his own. Accordingly, the court will once again grant his motion to appoint counsel.

The court will deny Arroyo’s motion to add two new defendants because he did not comply with Civil L. R. 15, which requires a plaintiff to file a motion identifying the changes to his complaint and to attach a proposed amended complaint that contains all of his allegations in a single document. The court also will deny his request to produce documents because he did not comply with Civil L.R. 37, which requires a party seeking to compel the production of documents to discuss his concerns with opposing counsel before asking the court to get involved. Once the court finds a lawyer willing to represent Arroyo, he or she may decide whether it is necessary to amend the complaint or seek additional discovery.


The court cautions Arroyo that it may take some time to recruit a lawyer. He must be patient. The court will notify him when it finds a lawyer willing to represent him; he does not need to take any further action. If, at any time, Arroyo decides he wants to continue with this case on his own, he should promptly notify the court.

**IT IS THEREFORE ORDERED** that Arroyo’s motion to appoint counsel (ECF No. 48) is **GRANTED**.

**IT IS FURTHER ORDERED** that all deadlines in this case are **STAYED** pending the court's efforts to recruit a lawyer to represent Arroyo.

**IT IS FURTHER ORDERED** that Arroyo's motion to add defendants and his request for document (ECF No. 48) are **DENIED**.

Dated in Milwaukee, Wisconsin this 13th day of August, 2019.

  
WILLIAM E. DUFFIN  
U.S. Magistrate Judge