

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
ILLINOIS

Keon V. Lipscomb v. Ezekiel Owens, Jashawn Sherrill, and Ethan
Kempfer

Lipscomb · No. 24-cv-02508-SPM · Decided February 19, 2026

SUMMARY

The United States District Court for the Southern District of Illinois grants Keon V. Lipscomb’s motion for a settlement conference and denies his motion for recruitment of counsel. The court concludes that Lipscomb had not sufficiently demonstrated reasonable efforts to obtain counsel and remained capable of representing himself at that stage of the litigation.

CASE DETAILS

COURT	United States District Court for the Southern District of Illinois
WRITING FOR THE COURT	Stephen P. McGlynn
JURISDICTION	United States District Court for the Southern District of Illinois
DECIDED	February 19, 2026
DOCKET	24-cv-02508-SPM
DISPOSITION	other
PROCEDURAL POSTURE	The court ruled on the pro se plaintiff's motion to request a settlement conference and motion for recruitment of counsel in a pending civil-rights action.
STANDARD OF REVIEW	Motions for recruitment of counsel are evaluated under the two-part Pruitt test: whether the indigent plaintiff made a reasonable attempt to obtain counsel or was effectively precluded from doing so, and, if so, whether the difficulty of the case exceeds the plaintiff's competence to litigate it himself.
PRECEDENTIAL VALUE	unknown

TOPICS

- civil rights
- section 1983
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the court should grant Plaintiff's request for a settlement conference.
2. Whether Plaintiff was entitled to recruitment of counsel under 28 U.S.C. § 1915(e)(1) and the Pruitt two-part test.

HOLDINGS

1. The motion for a settlement conference was granted because defense counsel had authority to negotiate and the represented defendants were willing to participate in a global settlement conference.
2. Recruitment of counsel was denied because Plaintiff did not provide sufficient information to establish a reasonable effort to obtain counsel and, in any event, remained capable of litigating the case at its current stage.

KEY QUOTATIONS

“When faced with a motion for recruitment of counsel the Court applies a two-part test: “(1) has the indigent plaintiff made a reasonable attempt to obtain counsel or been effectively precluded from doing so; and if so, (2) given the difficulty of the case, does the plaintiff appear competent to litigate it himself?”” (Doc. 52)

“Despite these obstacles, the case has not become too difficult for Plaintiff to litigate himself.” (Doc. 52)

FACTUAL BACKGROUND

Plaintiff asserted that he had contacted attorneys, including firms identified in his motion, but that they either declined representation or did not respond. He reported mental-health issues, psychiatric medications causing confusion and drowsiness, limited education, limited law-library access, difficulty obtaining discovery and expert testimony, and a transfer to another institution. The court found that he had successfully filed his complaint and motions, identified and substituted a John Doe defendant, communicated with the court, and understood its instructions.

PROCEDURAL HISTORY

Plaintiff filed a civil-rights complaint and later moved for recruitment of counsel and a settlement conference. Defense counsel represented that the defendants were willing to participate in a global settlement conference. The court granted the settlement-conference motion, referred the case to settlement by separate order, and denied recruitment of counsel.

DISPOSITION

other

CASES CITED

- *Pruitt v. Mote*, 503 F.3d 647, 654 (7th Cir. 2007)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF ILLINOIS KEON V. LIPSCOMB, Plaintiff, Case No. 24-cv-02508-SPM v. EZEKIEL OWENS, JASHAWN SHERRILL, and ETHAN KEMPFFER, Defendants. MEMORANDUM AND ORDER MCGLYNN, District Judge: This matter is before the Court on Plaintiff's Motion to Request Settlement Conference (Doc. 51) and Motion for Recruitment of Counsel (Doc.

52). In response to Plaintiff's request for a settlement conference, Defense Counsel has informed the Court that he has been given authority to negotiate settlement for this case and others and that the Defendants named in Plaintiff's cases who are represented by the Illinois Attorney General's Office are willing to participate in a global settlement conference.

(Doc. 54). Accordingly, Plaintiff's Motion to Request Settlement Conference is GRANTED. (Doc. 51). This case will be referred to settlement in a separate order. Plaintiff's Motion for Recruitment of Counsel is DENIED. (Doc. 52). Pursuant to 28 U.S.C. § 1915(e)(1), the Court "may request an attorney to represent any person unable to afford counsel." When faced with a motion for recruitment of counsel the Court applies a two-part test: "(1) has the indigent plaintiff made a reasonable attempt to obtain counsel or been effectively precluded from doing so; and if so, (2) given the difficulty of the case, does the plaintiff appear competent to litigate it himself?" *Pruitt v. Mote*, 503 F.3d 647, 654 (7th Cir.

2007). As to his threshold burden of making a reasonable attempt to recruit counsel, Plaintiff states that he wrote letters to attorneys at the law firms of Loevy and Loevy, Uptown People's Law Center, and others but either they are unable to represent him, or they did not respond at all. (Doc. 52, p. 2). This limited information is not sufficient for the Court to determine that Plaintiff made a reasonable effort to find a lawyer prior to seeking assistance from the Court.

The Court further finds that Plaintiff is capable of representing himself at this stage in the case. Plaintiff states that he cannot continue to prosecute his claims pro se due to his mental health issues. He informs the Court that that he is taking several psychiatric medications to help him function, but the medications cause confusion and drowsiness.

The medications also cause Plaintiff to "space out" daily. (Doc. 52, p. 1). Plaintiff asserts that he only has a ninth-grade education level, the issues in this case are complex, and he has limited access to the law library. And finally, Plaintiff argues he is need of legal counsel because he will be unable to obtain the necessary discovery to prosecute his case.

He asserts that he is unable to obtain an expert witness or investigate his claims now that he has been transferred to a different institution. Despite these obstacles, the case has not become too difficult for Plaintiff to litigate himself.

The case has not reached merits discovery, and at Plaintiff's request, the Court will refer this matter to settlement. Although Plaintiff is on medication that impacts his cognitive function, he has filed a successful Complaint and various motions with the Court. Plaintiff also was able to identify and substitute the John Doe Defendant. (See Doc. 4, 22, 23, 41, 51).

He continues to communicate with the Court and demonstrate an understanding of the Court's instructions. Thus, he has the capabilities to participate in a settlement conference and articulate his requested relief. Recruited counsel is not warranted at this time. IT IS SO ORDERED.
DATED: February 19, 2026 s/Stephen P. McGlynn STEPHEN P. MCGLYNN United States District Judge