

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WISCONSIN

Trenton L. McCorkle v. Megan T. Neu

McCorkle v. Neu · No. 24-cv-605-jdp · Decided March 6, 2026

SUMMARY

The United States District Court for the Western District of Wisconsin denies without prejudice Trenton L. McCorkle’s motion for assistance in recruiting counsel in his 42 U.S.C. § 1983 Eighth Amendment case. The court also denies as premature his petitions for writs of habeas corpus ad testificandum because he has not yet responded to or survived the defendant’s summary judgment motion.

CASE DETAILS

COURT	United States District Court for the Western District of Wisconsin
WRITING FOR THE COURT	Anita Marie Boor
JURISDICTION	United States District Court for the Western District of Wisconsin
DECIDED	March 6, 2026
DOCKET	24-cv-605-jdp
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought an Eighth Amendment damages claim under 42 U.S.C. § 1983. While defendant's summary-judgment motion was pending, plaintiff moved for assistance in recruiting counsel and petitioned for writs of habeas corpus ad testificandum.
PRECEDENTIAL VALUE	Unpublished district-court order with limited precedential value

TOPICS

- civil procedure
- summary judgment
- prisoners rights
- section 1983

PRACTICE AREAS

- civil procedure
- civil rights
- constitutional law
- prisoner litigation

QUESTIONS PRESENTED

1. Whether the court should assist McCorkle in recruiting counsel because he could not adequately litigate the case without counsel.
2. Whether the court should issue writs of habeas corpus ad testificandum to secure trial testimony while defendant's summary-judgment motion remained pending.

HOLDINGS

1. A pro se prisoner seeking court assistance in recruiting counsel must show inability to afford counsel, reasonable efforts to find counsel, and that the legal and factual difficulty of the case exceeds the prisoner's ability to litigate it without counsel. McCorkle had not shown that the third requirement was satisfied because the case was not sufficiently complex at that stage.
2. Requests to secure witnesses for trial are premature when the plaintiff has not yet survived summary judgment.

FACTUAL BACKGROUND

McCorkle, proceeding pro se, alleges that Megan Neu failed to assign him to a low bunk or a top bunk with safety railings despite his mental-health problems and history of falling. He alleges that he later fell from a top bunk during a psychotic episode and seeks damages under the Eighth Amendment. The court considered the limited factual allegations and the materials submitted in support of Neu's pending summary-judgment motion when evaluating McCorkle's request for counsel.

PROCEDURAL HISTORY

The court previously allowed McCorkle to proceed on an Eighth Amendment claim alleging that defendant consciously disregarded his safety by failing to assign him a safe bunk. Defendant moved for summary judgment, and before McCorkle's response was due, McCorkle moved for assistance in recruiting counsel and sought writs to secure testimony from two medical professionals and a prisoner. The court denied the request for counsel without prejudice and denied the writ petitions as premature.

DISPOSITION

other

CASES CITED

- Jackson v. Cty. of McLean, 953 F.2d 1070, 1073 (7th Cir. 1992)
- Pruitt v. Mote, 503 F.3d 647, 655 (7th Cir. 2007) (en banc)