

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
WISCONSIN

Jammie L. Yerks v. Dr. Shirley Godiwalla, et al.

Yerks · No. 24-cv-713-pp · Decided January 13, 2026

SUMMARY

The United States District Court for the Eastern District of Wisconsin denied without prejudice Jammie L. Yerks’s renewed request for appointment of counsel in his § 1983 action alleging Eighth Amendment medical-care violations. The court found that Yerks had made a reasonable effort to obtain counsel but appeared competent to litigate the case independently at its current stage, despite evidence of anxiety, depression, and carpal tunnel syndrome. The court stated that Yerks may renew his request with specific information showing that his medical conditions prevent self-representation.

CASE DETAILS

COURT	United States District Court for the Eastern District of Wisconsin
JURISDICTION	United States District Court for the Eastern District of Wisconsin
DECIDED	January 13, 2026
DOCKET	24-cv-713-pp
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, an incarcerated pro se litigant, sought reconsideration of the court's prior denial without prejudice of his request to recruit counsel in his civil-rights action.
STANDARD OF REVIEW	The decision whether to recruit counsel for an indigent civil litigant is committed to the district court's discretion, guided by the two-part Pruitt inquiry and consideration of the merits and stakes when relevant.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Jammie L. Yerks v. Dr. Shirley Godiwalla, et al.

TOPICS

- civil procedure
- prisoners rights
- civil rights
- section 1983

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the court should reconsider and grant plaintiff's request to recruit counsel because his mental-health conditions, medication, and carpal-tunnel syndrome allegedly impaired his ability to litigate.
2. What standards govern a district court's discretionary decision to recruit counsel for an indigent civil litigant.

HOLDINGS

1. A district court evaluating a request to recruit counsel must first determine whether the indigent plaintiff made a reasonable, good-faith attempt to obtain counsel or was effectively precluded from doing so, and then assess whether, given the factual and legal difficulty of the case, the plaintiff appears competent to litigate it without counsel. The court may also consider the claim's merits and what is at stake in light of limited pro bono resources.
2. Yerks did not demonstrate that he needed recruited counsel at that stage of the case; the request was therefore denied without prejudice.

KEY QUOTATIONS

“In exercising its discretion, the court must consider two things: “(1) ‘has the indigent plaintiff made a reasonable attempt to obtain counsel or been effectively precluded from doing so,’ and (2) ‘given the difficulty of the case, does the plaintiff appear competent to litigate it himself?’””

“To demonstrate he satisfied the first prong, the plaintiff must show he contacted at least three lawyers and provide the court with (1) the lawyers’ names; (2) their addresses; (3) how and when the plaintiff attempted to contact the lawyer; and (4) the lawyers’ responses.”

“The court “must consider the plaintiff’s literacy, communication skills, education level, litigation experience, intellectual capacity, psychological history, physical limitations and any other characteristics that may limit the plaintiff’s ability to litigate the case.””

FACTUAL BACKGROUND

Jammie Yerks, incarcerated at Jackson Correctional Institution and proceeding without counsel, alleged that defendants violated the Eighth Amendment by failing to provide specialist-recommended treatment for chronic pain conditions. In seeking reconsideration of the denial of recruited counsel, Yerks submitted a psychiatrist's letter concerning anxiety, depression, and medication effects, along with records regarding carpal tunnel syndrome and possible hand surgery. The court found that he was receiving treatment, had not shown that his conditions prevented self-representation, and was articulately advocating for himself.

PROCEDURAL HISTORY

The court screened the complaint and allowed plaintiff to proceed on Eighth Amendment medical-care claims concerning treatment of chronic pain conditions. The court previously denied without prejudice plaintiff's

motion to appoint counsel, later granted him additional time to seek reconsideration or renew his request, and then considered his letter and supporting medical records. The court again denied the request without prejudice.

DISPOSITION

other

CASES CITED

- Navejar v. Iyola, 718 F.3d 692, 696 (7th Cir. 2013)
- Ray v. Wexford Health Sources, Inc., 706 F.3d 864, 866-67 (7th Cir. 2013)
- Henderson v. Ghosh, 755 F.3d 559, 564 (7th Cir. 2014)
- Olson v. Morgan, 750 F.3d 708, 711 (7th Cir. 2014)
- Eagan v. Dempsey, 987 F.3d 667, 682 (7th Cir. 2021)
- Pruitt v. Mote, 503 F.3d 647, 654-55 (7th Cir. 2007)
- Watts v. Kidman, 42 F.4th 755, 763-64 (7th Cir. 2022)
- Pickett v. Chi. Transit Authority, 930 F.3d 869, 871 (7th Cir. 2019)
- Pennewell v. Parish, 923 F.3d 486, 490-91 (7th Cir. 2019)
- Yerks v. Hoftiezer, Case No. 17-cv-172-JPS, Dkt. No. 7 (E.D. Wis. Mar. 15, 2017)