

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
WISCONSIN

Kenneth J. Torres-Kurowski v. Brenna Gizelbach and Jane Does 1-2

Torres-Kurowski · No. 25-cv-1469-pp · Decided April 3, 2026

SUMMARY

The United States District Court for the Eastern District of Wisconsin denied without prejudice Kenneth J. Torres-Kurowski’s motion to appoint counsel in his § 1983 action. The court concluded that he had made a reasonable effort to obtain counsel but appeared competent to litigate his noncomplex Eighth Amendment claim at that stage, while permitting him to renew the request if the case later became too difficult to handle without counsel.

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	April 3, 2026
DOCKET	25-cv-1469-pp
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, an incarcerated pro se litigant proceeding on an Eighth Amendment claim under 42 U.S.C. § 1983, moved for appointment of counsel. The district court denied the motion without prejudice.
STANDARD OF REVIEW	Discretionary review of a request for recruitment of counsel for an indigent civil litigant, applying the two-part inquiry governing whether the plaintiff made a reasonable attempt to obtain counsel and whether, given the difficulty of the case, the plaintiff appears competent to litigate it without counsel.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Kenneth J. Torres-Kurowski v. Brenna Gizelbach, Jane Does 1-2

TOPICS

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

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the plaintiff satisfied the threshold requirement of making a reasonable, good-faith effort to obtain counsel.
2. Whether, given the factual and legal difficulty of the case and the plaintiff's individual circumstances, the plaintiff appeared competent to litigate the action without recruited counsel at that stage.

HOLDINGS

1. A plaintiff seeking recruited counsel must first demonstrate a reasonable, good-faith effort to obtain counsel; this threshold inquiry must be resolved before the court evaluates the difficulty of the case and the plaintiff's ability to litigate without counsel.
2. The plaintiff was not entitled to recruited counsel at that stage because, despite his asserted mental-health and other limitations, his clear and concise filings showed that he could advocate for himself, and his claim was not factually or legally complex.

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?’””

“The court DENIES WITHOUT PREJUDICE the plaintiff's request for counsel.”

FACTUAL BACKGROUND

Plaintiff is incarcerated at Fox Lake Correctional Institution and is representing himself in an Eighth Amendment § 1983 action. He alleged that defendants ignored notifications showing that he was incarcerated beyond the term of his sentence. In seeking counsel, he cited indigence, incarceration, lack of prison e-filing, difficulty affording certified correspondence, alleged case complexity, mental-health and physical conditions, and unsuccessful efforts to contact lawyers.

PROCEDURAL HISTORY

Torres-Kurowski filed a § 1983 complaint while incarcerated. After screening, the court allowed him to proceed on an Eighth Amendment claim alleging that defendants disregarded information showing he was incarcerated beyond his sentence. He then moved for appointment of counsel, which the court denied without prejudice after finding that he had made a reasonable effort to obtain counsel but appeared competent to litigate the case at its early stage.

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, 866-867 (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, 654-655 (7th Cir. 2007)
- Watts v. Kidman, 42 F.4th 755, 763-764 (7th Cir. 2022)
- Pickett v. Chicago Transit Authority, 930 F.3d 869, 871 (7th Cir. 2019)
- Pennewell v. Parish, 923 F.3d 486, 490-491 (7th Cir. 2019)

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