

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
WISCONSIN

Luis Curet v. Tonia Rozmarynoski, et al.

Curet · No. 25-cv-6-pp · Decided May 28, 2026

SUMMARY

The United States District Court for the Eastern District of Wisconsin denied without prejudice Luis Curet’s motion to appoint counsel in his § 1983 action. The court found that Curet had made a reasonable effort to obtain counsel and was competent to litigate his noncomplex claims, while extending his deadline to respond to the defendants’ motions for summary judgment to June 19, 2026.

CASE DETAILS

COURT	United States District Court for the Eastern District of Wisconsin
WRITING FOR THE COURT	Pamela Pepper
JURISDICTION	United States District Court for the Eastern District of Wisconsin
DECIDED	May 28, 2026
DOCKET	25-cv-6-pp
DISPOSITION	other
PROCEDURAL POSTURE	In a prisoner civil-rights action under 42 U.S.C. § 1983, the incarcerated pro se plaintiff moved for recruitment or appointment of counsel while defendants' motions for summary judgment on exhaustion grounds were pending.
STANDARD OF REVIEW	The court exercised discretion under 28 U.S.C. § 1915(e)(1), applying the two-part Pruitt inquiry: whether the indigent plaintiff made a reasonable attempt to obtain counsel and, given the difficulty of the case, whether the plaintiff appeared competent to litigate it himself. The court could also consider the merits of the claims and what was at stake in light of the scarcity of pro bono counsel.
PRECEDENTIAL VALUE	unpublished district-court order
PARTIES	Luis Curet v. Tonia Rozmarynoski, Apolapenko, Granius, Rachel Matushak, Utter, Korpita

TOPICS

civil procedure

summary judgment

section 1983

prisoners rights

constitutional law

PRACTICE AREAS

civil procedure

prisoner civil rights

constitutional law

QUESTIONS PRESENTED

1. Whether the incarcerated, indigent plaintiff satisfied the threshold requirement of making a reasonable or good-faith effort to obtain counsel.
2. Whether the factual and legal difficulty of the plaintiff's claims exceeded his demonstrated ability to litigate them without recruited counsel.
3. Whether the motion to appoint counsel should be denied without prejudice and whether the plaintiff should receive additional time to respond to the pending summary-judgment motions.

HOLDINGS

1. The plaintiff made a reasonable attempt to obtain counsel and therefore satisfied the first prong of the governing test.
2. The plaintiff had not shown that the difficulty of the case exceeded his capacity as a pro se litigant; accordingly, recruitment of counsel was not warranted at that time.
3. The motion to appoint counsel was denied without prejudice.

KEY QUOTATIONS

"[D]eciding whether to recruit counsel 'is a difficult decision: Almost everyone would benefit from having a lawyer, but there are too many indigent litigants and too few lawyers willing and able to volunteer for these cases.'"

"The court will deny without prejudice his motion to appoint counsel."

FACTUAL BACKGROUND

Luis Curet is incarcerated at Columbia Correctional Institution and is representing himself in a § 1983 action. His claims concern alleged use of OC mace and a taser, denial of a shower and medical care, and lewd comments about his body during a strip search. He submitted letters from lawyers declining representation and argued that incarceration and anticipated summary judgment or trial proceedings would impair his ability to litigate.

PROCEDURAL HISTORY

The court screened the complaint and allowed the plaintiff to proceed on Eighth Amendment excessive-force and medical-care claims and Eighth and Fourth Amendment claims concerning lewd comments during a strip search. The plaintiff moved for appointment of counsel, asserting indigence, incarceration, anticipated conflicting testimony, and efforts to obtain counsel. The court found that he had made a reasonable effort to obtain counsel

but was competent to litigate the relatively straightforward claims and respond to the pending summary-judgment motions, so it denied the motion without prejudice and extended his response deadline.

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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