

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WISCONSIN

DePronce Antwon Burnett v. Lisa Gunderson, et al.

Burnett · No. 24-cv-850-wmc · Decided April 6, 2026

SUMMARY

The United States District Court for the Western District of Wisconsin addresses a pro se prisoner’s motions concerning expert-witness disclosures and recruitment of counsel in an inadequate-medical-care action. The court extends the plaintiff’s expert disclosure deadline to April 27, 2026, permits defendants to identify rebuttal experts by May 18, 2026, and denies without prejudice the request for assistance recruiting counsel. The court also finds the request for assistance securing witness testimony premature.

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	April 6, 2026
DOCKET	24-cv-850-wmc
DISPOSITION	other
PROCEDURAL POSTURE	In a pending pro se prisoner civil-rights action alleging inadequate medical care, plaintiff moved to extend and supplement expert-witness disclosures, obtain court assistance in securing witness testimony, and recruit pro bono counsel.
STANDARD OF REVIEW	Discretionary review of requests to modify scheduling deadlines and recruit counsel in a civil case; recruitment of counsel requires consideration of indigency, reasonable efforts to obtain counsel, and whether the case's legal and factual difficulty exceeds the plaintiff's ability to litigate it.
PRECEDENTIAL VALUE	nonprecedential district court opinion
PARTIES	DePronce Antwon Burnett v. Lisa Gunderson, et al.

TOPICS

discovery dispute

civil procedure

prisoners rights

health law

summary judgment

PRACTICE AREAS

Civil procedure

Prisoner civil rights

Medical-care litigation

QUESTIONS PRESENTED

1. Whether plaintiff showed sufficient grounds for an extension and supplementation of his expert-witness disclosures.
2. Whether plaintiff's request for court assistance in obtaining witness testimony through subpoenas was ripe.
3. Whether plaintiff demonstrated that recruitment of pro bono counsel was warranted because the legal and factual difficulty of the case exceeded his ability to litigate it.

HOLDINGS

1. The court extended plaintiff's expert-disclosure deadline to April 27, 2026 as a courtesy, required him to identify specific individuals by that date, and permitted defendants to identify rebuttal experts by May 18, 2026, while declining to grant broader relief based on a showing of good cause.
2. The request for court assistance in securing witness testimony through subpoenas was denied as premature because it was not yet clear whether any claims would proceed to trial.
3. A civil litigant seeking recruitment of counsel must show inability to afford counsel, reasonable efforts to obtain counsel independently, and that the case's legal and factual difficulty exceeds the litigant's ability to prosecute it. Burnett satisfied the first requirement and, for purposes of the motion, the second, but failed to show that the third requirement was met at this stage.

KEY QUOTATIONS

“Litigants in civil cases do not have a constitutional right to counsel, and the court does not have the authority to appoint counsel to self-represented plaintiffs in civil matters.” (Analysis B)

“Third, plaintiff must demonstrate that his case is one of those relatively few in which it appears from the record that the legal and factual difficulty of the case exceeds the plaintiff’s ability to prosecute it.” (Analysis B)

FACTUAL BACKGROUND

Burnett is a federal prisoner proceeding without counsel in an action concerning alleged inadequate medical care for a leg injury at the Rock County Jail. His expert-disclosure deadline was February 6, 2026, but he sought additional time to identify specific medical-care providers and requested court assistance in securing testimony. He also sought recruitment of pro bono counsel based on the constitutional and medical issues, his limited education and law-library access, and the loss of assistance from another inmate.

PROCEDURAL HISTORY

Burnett filed a federal action alleging that he received inadequate medical care for a leg injury while detained at the Rock County Jail, asserting Wisconsin-law and Eighth Amendment claims. During discovery and preparation for summary judgment, he moved for additional time and assistance regarding expert witnesses and for recruitment of counsel. The court extended the expert-disclosure deadline in part, denied the request for court assistance with subpoenas as premature, and denied the motion to recruit counsel without prejudice.

DISPOSITION

other

CASES CITED

- *Pruitt v. Mote*, 503 F.3d 647, 653 (7th Cir. 2007) (en banc)
- *Santiago v. Walls*, 599 F.3d 749, 760–61 (7th Cir. 2010)
- *Jackson v. County of McLean*, 953 F.2d 1070, 1072–73 (7th Cir. 1992)
- *Mote*, 503 F.3d at 654–55
- *McCaa v. Hamilton*, 893 F.3d 1027, 1036 (7th Cir. 2018) (Hamilton, J., concurring)