

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WISCONSIN

Jeremy C. Vaughn v. Stacy Morin and Kristina Borneman; Jeremy
C. Vaughn v. State of Wisconsin, et al.; Jeremy C. Vaughn v. State of
Wisconsin, et al.

Vaughn · No. 25-cv-760-wmc; 25-cv-619-wmc; 25-cv-601-wmc · Decided November 25, 2025

SUMMARY

The United States District Court for the Western District of Wisconsin denied without prejudice Jeremy C. Vaughn’s motions for recruitment of counsel in three civil-rights cases. The court held that the requests were premature because the complaints had not yet been screened and no immediate litigation tasks required counsel; Vaughn may renew his requests after discovery begins if his circumstances change.

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	November 25, 2025
DOCKET	25-cv-760-wmc; 25-cv-619-wmc; 25-cv-601-wmc
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, a self-represented state prisoner proceeding in forma pauperis in three civil-rights actions, moved for appointment or recruitment of counsel before his complaints had been screened. The court denied the motions without prejudice as premature.
STANDARD OF REVIEW	The court applied the standard governing requests for assistance in recruiting voluntary counsel in civil cases: the plaintiff must show inability to afford counsel, reasonable efforts to obtain counsel independently, and that the legal and factual difficulty of the case exceeds the plaintiff’s ability to litigate it.
PRECEDENTIAL VALUE	unpublished district court order

TOPICS

civil procedure

prisoners rights

civil rights

PRACTICE AREAS

civil procedure

civil rights

prisoner civil rights

QUESTIONS PRESENTED

1. Whether the court should recruit counsel for Vaughn in three civil-rights cases before the complaints had been screened and before discovery began.
2. Whether Vaughn demonstrated that the legal and factual difficulty of at least one case exceeded his ability to litigate it without recruited counsel.

HOLDINGS

1. A request to recruit counsel may be denied as premature when the complaint has not yet been screened, it is unclear whether the action will proceed or in what form, and the plaintiff presently has no litigation tasks requiring counsel.
2. Vaughn did not establish at this stage that the legal and factual difficulty of any of his cases exceeded his ability to prosecute them without counsel.

KEY QUOTATIONS

“In short, there are no legal tasks for plaintiff to complete right now.”

“I will deny plaintiff’s motions without prejudice, which means that he can renew his motion in any of his cases after discovery begins if his circumstances change and he believes that he is unable to litigate the lawsuit himself.”

FACTUAL BACKGROUND

Vaughn is a state prisoner litigating three civil-rights cases without counsel. He alleged, respectively, constitutional violations by a state extended-supervision agent and supervisor, unlawful targeting by a drug task force, and law-enforcement failure to investigate alleged abuse by an acquaintance. He asserted that the cases were collectively complex, that he was unable to obtain counsel, and that incarceration and limited access to legal supplies impaired his ability to litigate.

PROCEDURAL HISTORY

Vaughn filed three federal civil-rights actions against separate defendants and submitted identical motions for counsel in each case. At the time of the order, none of the complaints had been screened, defendants had not appeared or answered, and discovery had not begun. The court denied the motions without prejudice and stated that Vaughn could renew them after discovery began if he could identify specific litigation tasks he could not perform.

DISPOSITION

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)
- *McCaa v. Hamilton*, 893 F.3d 1027, 1036 (7th Cir. 2018) (Hamilton, J., concurring)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WISCONSIN JEREMY C. VAUGHN, Plaintiff, v. ORDER STACY MORIN 25-cv-760-wmc and KRISTINA BORNEMAN, Defendants. JEREMY C. VAUGHN, Plaintiff, ORDER v. 25-cv-619-wmc STATE OF WISCONSIN, et al., Defendants. JEREMY C. VAUGHN, Plaintiff, v. ORDER STATE OF WISCONSIN, et al., 25-cv-601-wmc Defendants. Plaintiff Jeremy C. Vaughn, a state prisoner representing himself, has filed identical motions for counsel in Case Nos. 25-cv-760-wmc (Dkt.

13), 25-cv-619-wmc (Dkt. 18), and 25-cv-601-wmc (Dkt. 19). In the ‘760 case, plaintiff alleges that his state extended supervision agent and her supervisor have violated his federal rights in various ways, including by ignoring his addiction issues, opening his legal mail, and failing to investigate threats against him.

In the ‘619 case, plaintiff alleges he was unlawfully targeted by a drug task force. In the ‘601 case, plaintiff alleges that law enforcement did not investigate his reports of mental and physical abuse at the hands of an acquaintance. Plaintiff’s complaints have yet to be screened.

For the following reasons, I will deny plaintiff’s request for counsel as premature.¹ ANALYSIS Plaintiff asks the court for counsel, contending that his cases are, in the aggregate, complex, that he is not a lawyer, that the lawyers and law firms he has contacted about his cases have not responded, and that his incarcerated status limits his ability to litigate.

He also states that his institution has not extended his legal loan so he is concerned about meeting filing deadlines in part because he must borrow paper, pens and other supplies from other inmates. 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.

Rather, the court can only help recruit counsel who may be willing to serve voluntarily. See 28 U.S.C. § 1915(e)(1); *Pruitt v. Mote*, 503 F.3d 647, 653 (7th Cir. 2007) (en banc). To succeed on a motion to assist with the recruitment of counsel, plaintiff must meet three requirements. *Santiago v. Walls*, 599 F.3d 749, 760–61 (7th Cir. 2010).

First, he must show that he is unable to afford counsel. Plaintiff has met this requirement because he is 1 The court will address plaintiff's other pending motions, including his motions related to his legal loan, in separate orders. proceeding in forma pauperis in all three cases. See Case Nos. 25-cv-760-wmc (Dkt. 4); 25-cv- 619-wmc (Dkt. 5); 25-cv-601-wmc (Dkt.

5). Second, plaintiff must show that he has made reasonable efforts to locate an attorney on his own. See *Jackson v. Cnty. of McLean*, 953 F.2d 1070, 1072–73 (7th Cir. 1992) (“the district judge must first determine if the indigent has made reasonable efforts to retain counsel and was unsuccessful or that the indigent was effectively precluded from making such efforts”).

For purposes of this motion, the court accepts plaintiff's statement that he has written to several law firms and legal aid organizations without success. Third, plaintiff must demonstrate that any of his cases 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.

Mote, 503 F.3d at 654–55. Federal civil litigation is generally challenging for most self-represented, indigent parties, and their limited knowledge of the law is a common predicament. So are the limitations on incarcerated individuals. But the court receives hundreds of new lawsuits every year from unrepresented plaintiffs, and there are only about 15 to 20 attorneys who might volunteer to take one such case a year.

This means that the court must decide for each case “whether this particular prisoner-plaintiff, among many deserving and not-so-deserving others, should be the beneficiary of the limited resources of lawyers willing to respond to courts' requests.” *McCaa v. Hamilton*, 893 F.3d 1027, 1036 (7th Cir. 2018) (Hamilton, J., concurring).

In this respect, plaintiff's motion must be denied as premature because it is far too early to tell whether any of his cases will be one of the relatively few in which it is necessary to recruit counsel. Plaintiff has filed three lawsuits against multiple defendants, but his complaints have yet to be screened, so it is not clear whether these lawsuits will proceed or in what form.

And discovery is closed across all of plaintiff's cases. To the extent plaintiff is concerned about more trial-type legal tasks such as witness testimony and examination, he won't be required to perform those tasks unless any of his claims proceeds to trial.

In short, there are no legal tasks for plaintiff to complete right now. The court will set a preliminary pretrial conference with a magistrate judge in each of plaintiff's cases after his complaints have been screened and defendants have appeared and answered. At each conference, the magistrate judge will set the case schedule and open discovery after providing plaintiff guidance on how to litigate his lawsuit as an unrepresented and incarcerated party, including how to use the discovery process to obtain evidence in support of his claims.

This will be his opportunity to ask questions about the litigation process and address any initial concerns with the court. If plaintiff should require additional time to complete a litigation task because of his circumstances and despite his best efforts, he can request an extension, and the court can take such concerns into account when setting the case schedule.

I will deny plaintiff's motions without prejudice, which means that he can renew his motion in any of his cases after discovery begins if his circumstances change and he believes that he is unable to litigate the lawsuit himself. If he refiles his motion in any of his cases, he will need to explain what specific litigation tasks he is unable to accomplish and why.

ORDER IT IS ORDERED that plaintiff Jeremy C. Vaughn's motions for appointment of counsel in the above-captioned cases are DENIED without prejudice. Case Nos. 25-cv-760-wmc (Dkt. 13), 25-cv-619-wmc (Dkt. 18), and 25-cv-601-wmc (Dkt. 19). Entered November 24, 2025. BY THE COURT: /s/ _____ ANITA MARIE BOOR Magistrate Judge