

2004 WL 66774

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United States District Court,  
W.D. Wisconsin.

Berrell FREEMAN, Plaintiff,  
v.  
Gerald BERGE and Jon E. Litscher, Defendants.

No. 03-C-0021-C. | Jan. 6, 2004.

#### Attorneys and Law Firms

David J. Harth, for Plaintiff.

Corey F. Finkelmeyer, Assistant Attorney General,  
Madison, WI, for Defendants.

#### Opinion

### ORDER

CRABB, J.

\*1 Plaintiff Berrell Freeman is proceeding in this civil action *pro se* and *in forma pauperis*. All of the claims plaintiff raised in his complaint have been resolved except a claim that defendants are violating plaintiff's Eighth Amendment rights by enforcing a policy of denying food for alleged failures to comply with food delivery rules. Presently, this claim is scheduled for trial on February 23, 2004. However, I have decided that the court will be aided in the resolution of this final claim, whether it is to be tried or resolved informally, if plaintiff is represented by counsel.

David Harth and Sarah Walkenhorst, members of the

#### Footnotes

<sup>1</sup> "Proceedings in this court" include all matters leading up to a final judgment on the merits, the filing of a Notice of Appeal, if appropriate, and ensuring that all steps are taken to transfer the record to the Court of Appeals for the Seventh Circuit.

Wisconsin Bar, have agreed jointly to represent plaintiff, with the understanding that they will serve with no guarantee of compensation for their services. It is this court's intention that the appointment of Mr. Harth and Ms. Walkenhorst to represent plaintiff extend to proceedings in this court only.<sup>1</sup> Because plaintiff's counsel will require time to consult with plaintiff and familiarize themselves with the case, I will rescind the previously scheduled trial date. In addition, I will request the clerk of court to set a scheduling conference before the United States Magistrate Judge at which counsel may work out a new trial date and adjustments to other pretrial deadlines presently in place.

Plaintiff should be aware that because I am appointing counsel to represent him, he may not communicate directly with the court about matters pertaining to his case. He must work directly with his lawyers and permit them to exercise their professional judgment to determine which matters are appropriate to bring to the court's attention and in what form.

### ORDER

IT IS ORDERED that David Harth and Sarah Walkenhorst are appointed to represent plaintiff Berrell Freeman in this case.

Further, IT IS ORDERED that the February 23, 2004 trial date previously set in this case is RESCINDED. The clerk of court is requested to schedule a conference before United States Magistrate Judge Stephen Crocker at which the parties may establish a new trial date and reschedule the remaining pretrial deadlines.