

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

-----  
MICHAEL O'GRADY,

Plaintiff,

v.

MARATHON COUNTY CHILD  
SUPPORT AGENCY, TAMMY  
LEVIT-JONES, PAUL A. DIRKSE,  
BONNIE C. LARSON aka: BONNIE  
C. RAINVILLE, VINCENT K.  
HOWARD and SYNTHIA O'GRADY  
aka: YER THAO; SYNTHIA D'ANTONIO

Defendants.  
-----

ORDER

02-C-0708-C

On January 6, 2003, I dismissed this case for lack of subject matter jurisdiction over plaintiff's claims that defendants committed various acts of fraud in the events surrounding defendant Synthia O'Grady's attempts to collect child support from him. On January 8, 2003, final judgment was entered.

On January 14, 2003, plaintiff filed a motion to reconsider. Because petitioner is challenging the merits of the decision and judgment has been entered, I construe his motion to reconsider as a timely filed motion to alter or amend the judgment pursuant to Fed. R.

Civ. P. 59. In his motion, plaintiff argues in a conclusory fashion that this court has subject matter jurisdiction over his claims. However, because nothing in plaintiff's motion convinces me that I erred in dismissing his lawsuit for lack of subject matter jurisdiction, his Rule 59 motion will be denied.

Plaintiff's timely filed Rule 59 motion stopped the clock running on the time period within which plaintiff had to appeal from the judgment. Averhost v. Arrendondo, 773 F.2d 919, 920 (7th Cir. 1985). Entry of this decision starts the clock again. Therefore, plaintiff has 30 days from the date of entry of this order in which to file a notice of appeal, if he wishes to appeal.

ORDER

Plaintiff Michael O'Grady's Rule 59 motion to alter or amend the judgment is DENIED.

Entered this 27th day of January, 2003.

BY THE COURT:

BARBARA B. CRABB  
District Judge