

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

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JULIE CHARLES,

Petitioner,

v.

BROWN COUNTY HUMAN SERVICES,

Respondent.  
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ORDER

05-C-118-C

On March 3, 2005, I denied petitioner Julie Charles's request for leave to proceed in forma pauperis and dismissed this action on the court's own motion for lack of subject matter jurisdiction. A judgment of dismissal was entered the same day. Now petitioner has filed a document which I construe as a motion to alter or amend the judgment pursuant to Fed. R. Civ. P. 59. The motion will be denied.

First, petitioner's motion is untimely. Motions pursuant to Rule 59 must be made within ten days of the date of entry of the judgment in a case, and Fed. R. Civ. P. 6(b) explicitly precludes enlargement of the time for filing Rule 59(e) motions. Ten days (excluding weekends and holidays) from the March 3, 2005 date of entry of the judgment in this case was March 17, 2005. Petitioner did not file her motion until March 21, 2005. Because she missed the deadline for filing her motion, she is precluded from filing such a

motion at this or any other future time.

Second, even if petitioner's motion were timely, it would have to be denied. In this action, petitioner challenges a state court's child custody ruling. In dismissing the action, I told petitioner that family law matters are outside the jurisdiction of federal courts. Petitioner's motion does not contain any argument to persuade me that this court has jurisdiction over the subject matter of her complaint. Her clarification that the Brown County Circuit Court awarded custody of her children to the children's "father" and not to her "husband" and that the award was granted at a time when she was ill and that she is no longer ill, does not change the fact that she is asking this court to overturn the state court's ruling and award custody of her children to her. As I told petitioner in the March 3 order, if she is dissatisfied with the present child custody ruling, her remedy is to appeal the decision through the proper *state court* channels.

#### ORDER

IT IS ORDERED that petitioner's motion pursuant to Fed. R. Civ. P. 59 to alter or

amend the judgment entered in this case on March 3, 2005, is DENIED as untimely.

Entered this 29th day of March, 2005.

BY THE COURT:

BARBARA B. CRABB  
District Judge