

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

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WALTER BROWN, JR.,

Plaintiff,

v.

MADISON POLICE DEPARTMENT,

Defendants.

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ORDER

10-cv-658-slc<sup>1</sup>

In an order dated February 1, 2011, I administratively closed three proposed civil actions filed by plaintiff Walter Brown, in which he was raising several constitutional claims related to three criminal cases that were proceeding in the Circuit Court for Dane County. (The proposed civil actions are case numbers 10-cv-651-slc; 10-cv-658-slc; and 10-cv-720-slc.) I concluded that plaintiff's cases should be stayed and administratively closed under the abstention doctrine set forth in Younger v. Harris, 402 U.S. 37 (1971), because he was challenging issues related directly to ongoing state criminal proceedings. Also, I told plaintiff that he could move to reopen his cases upon completion of the underlying criminal

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<sup>1</sup> For the purpose of issuing this order, I am assuming jurisdiction over the case.

proceedings.

On April 19, 2011, plaintiff filed an amended complaint and a motion to reopen case number 10-cv-658-slc. However, in an order dated May 6, 2011, I told plaintiff that I would not reopen his case until he informed the court of the status of his criminal case and any post conviction relief he is pursuing. In particular, it appeared likely that his federal claims would interfere improperly with the state appellate court's consideration of plaintiff's arguments.

Plaintiff has responded to the May 6 order with a one-sentence letter stating "I want my post conviction." Dkt. #21. I understand plaintiff's letter to be an indication that he is pursuing or intends to pursue post conviction relief in his state criminal case. Therefore, I will not reopen plaintiff's case at this time; rather, the case will remain administratively closed until plaintiff notifies the court that his efforts to obtain post conviction review in the state court are complete.

#### ORDER

IT IS ORDERED that plaintiff Walter Brown's motion to reopen case number 10-cv-658-slc, dkt. #17, is DENIED. This case will remain STAYED and ADMINISTRATIVELY CLOSED until the conclusion of plaintiff's state collateral review proceedings in his state criminal case. If after the conclusion of the state post conviction and review proceedings plaintiff wishes to resume proceedings in this case, it will be reopened upon motion, with the

parties retaining all rights they would have had the case not been closed for administrative purposes.

Entered this 9th day of June, 2011.

BY THE COURT:  
/s/  
BARBARA B. CRABB  
District Judge