

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

LOREN L. LEISER,

Plaintiff,

ORDER

v.

11-cv-328-bbc

JEANNIE ANN VOEKS R.N., DR. BRIAN J. BOHLMAN,
DR. KENNETH ADLER, DR. BRUCE GERLINGER,
DR. BRAUNSTEIN, DR. JOAN M. HANNULA,
BRADLEY HOMPE, JAMES GREER, REED RICHARDSON,
HOLLY GUNDERSON, TIMOTHY HAINES,
JODI DOUGERTY, CHERYL WEBSTER,
KENNETH MILBECK, MATTHEW GERBER,
JEROME SWEENEY, PATRICK LYNCH, JUDY BENTLEY,
PATRICIA SCHERREIKS, RENE ANDERSON, DAVID BURNETT,
DR. JOHN SPENCER ARCHINIHU AND JAMES LABELLE,

Defendants.

On October, 18, 2012, I granted summary judgment in favor of all but two of the defendants in this case, Dr. Braunstein and Dr. John Spencer Archinihu, who are still litigating the claims against them. Plaintiff Loren Leiser subsequently filed a notice of appeal from the October 18, 2012 order. In a December 6, 2012 order, I construed plaintiff's notice of appeal as including a request for the court to certify that an interlocutory appeal could be taken from the October 18 summary judgment order and denied that request, concluding that it would be more efficient to resolve the case as a whole rather than by piecemeal appeal. Also, I denied plaintiff's request for leave to proceed in forma pauperis on appeal because it was not taken in good faith.

Now before the court is plaintiff's motion for reconsideration of the December 6, 2012 order, in which plaintiff argues that he was unaware that he could wait until all of the claims in his case were resolved before filing his appeal and thus his appeal was not filed in bad faith. While I understand that, as a pro se litigant, plaintiff does not have a full understanding of appellate procedures, his motion for leave to proceed in forma pauperis on appeal was properly denied because it was an impermissible interlocutory appeal. This court has no authority to waive the filing fee for this notice of appeal, but plaintiff remains free to ask the court of appeals to withdraw his appeal and waive the filing fee.

ORDER

IT IS ORDERED that

1. Plaintiff Loren Leiser's motion for reconsideration of the court's December 6, 2012 order denying his request to proceed in forma pauperis on appeal, dkt. #150, is DENIED.

Entered this 28th day of January, 2013.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge