

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

MICHAEL O'GRADY,

Plaintiff,

v.

TERESA L. CARLSON and JAMES L. SANTELLE,

Defendants.

ORDER

12-cv-388-bbc

Defendants Teresa Carlson and James Santelle removed this case from state court under 28 U.S.C. § 1442(a)(1), which applies in a case filed against federal officers “relating to any act under color of such office.” In an order dated November 16, 2012, dkt. #23, I dismissed the case on the court’s own motion on the ground that it was frivolous. I included several state officials on the caption because they were included on plaintiff’s complaint and defendants Carlson and Santelle did not suggest in their notice that they were removing only a portion of the case.

However, it has come to my attention that the state court officials were dismissed by the state court *before* defendants Carlson and Santelle removed the case. Dkt. #4 at 2. That portion of the case is now on appeal before the Wisconsin Court of Appeals. O’Grady v. Kohlway, Case no. 2012cv179, available at <http://wcca.wicourts.gov>. Accordingly, I will amend the November 16 order so that it is limited to defendants Carlson and Santelle.

ORDER

IT IS ORDERED that the November 16, 2012, order dismissing this case as frivolous is AMENDED so that it is limited to plaintiff Michael O'Grady's claims against defendants Teresa Carlson and James Santelle. The clerk of court is directed to enter judgment in favor of those two defendants and close this case.

Entered this 20th day of November, 2012.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge