

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

NATANAEL RIVERA,

Plaintiff,

v.

CORRECTIONAL OFFICIAL DINSE,
MICHAEL BAENEN, AMY BASTEN,
CORRECTIONAL OFFICIAL LEGOIS,
CATHY FRANCOIS, CHARLES COLE,
WELCOME ROSE, CATHY JESS and
JOHN OR JANE DOES 1-20,

Defendants.

MEMORANDUM

12-cv-509-bbc

In an order dated September 26, 2012, I dismissed this case for plaintiff Natanael Rivera's failure to state a claim upon which relief may be granted. Dkt. #9. Plaintiff alleged that defendants were refusing to give him new legal loans unless he submitted documentation from a court showing the necessity of the new filing, in violation of Wis. Stat. § 301.328(1m) and his constitutional right of access to the courts. I dismissed plaintiff's claim under § 301.328(1m) because that statute does not give him a right to sue prison officials for denying him a legal loan. I dismissed his federal claim because he failed to allege any facts showing that defendants' actions were preventing him from litigating a particular case, as required by Lewis v. Casey, 518 U.S. 343, 351 (1996). Rather, a review of the record of the case he cited, Rivera v. Drake, 09-cv-1182-jps (E.D. Wis. Feb. 22, 2012),

showed that the dismissal of the case had nothing to do with any failure by plaintiff to file something with the court. Accordingly, I directed the clerk of court to enter judgment in favor of defendants, which the clerk did the following day. Dkt. #11.

Now plaintiff has filed an untitled document in which he asks for the “op[p]portunity to repair or amend” his complaint. Dkt. #12. However, he did not file a proposed amended complaint or explain how he believes he could save any of his claims.

Plaintiff is free to file an amended complaint if he wishes, but it is impossible for him to save his state law claims by including more facts. Plaintiff now says that he meant to discuss other cases other than No. 09-cv-1182-jps in his complaint, so it is possible he could allege enough facts to state a claim under the right of access to the courts. However, he must include allegations showing that defendants have prevented him from litigating a particular case. It is not enough for him simply to cite a case number and allege that defendants prevented him from filing a required document. He must explain *how* particular actions of particular defendants interfered with his ability to litigate.

In addition, because judgment has been entered, plaintiff must satisfy the requirements in Fed. R. Civ. P. 59 or Fed. R. Civ. P. 60 to set aside the judgment. Chaudhry v. Nucor Steel-Indiana, 546 F.3d 832, 838-39 (7th Cir. 2008). The deadline for seeking relief under Rule 59 is 28 days after the court has entered judgment. Fed. R. Civ. P. 59(e). The court may not extend that deadline for any reason. Fed. R. Civ. P. 6(b)(2); Blue v. International Brother of Electrical Workers Local Union 159, 676 F.3d 579, 582-83 (7th Cir. 2012). Although the deadline under Rule 60 is longer, the standard for obtaining relief

under that provision is stricter. E.g., Blue, 676 F.3d at 585.

Entered this 18th day of October, 2012.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge