

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

DENNIS JONES'EL, MICHA'EL
JOHNSON, DE'ONDRE CONQUEST,
LUIS NIEVES, SCOTT SEAL, ALEX
FIGUERO, ROBERT SALLIE, CHAD
GOETSCH, EDWARD PISCITELLO,
QUINTIN L'MINGGIO, LORENZO
BALLI, DONALD BROWN, CHRISTOPHER
SCARVER, BENJAMIN BIESE, LASHAWN
LOGAN, JASON PAGLIARINE, and
ANDREW COLLETTE, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

GERALD BERGE and
JON LITSCHER,

Defendants.

ORDER

00-C-421-C

A hearing on plaintiff Christopher Scarver's motion to reconsider or enforce the court's June 21, 2002, order was held in this case on August 13, 2003, before United States District Judge Barbara B. Crabb. Plaintiffs appeared by Ed Garvey, Pamela McGillivray and Dara Biederman. Also participating in the conference by telephone was David Fathi, appearing on behalf of plaintiffs. Representing plaintiff Christopher Scarver were Allen Arntsen and Elizabeth Pevehouse. James McCambridge, Assistant Attorney General for the state of Wisconsin appeared for defendants.

After hearing argument from counsel, and reviewing the materials filed before the hearing, I am satisfied that defendants' transfer of plaintiff Scarver was in compliance with the June 21, 2002, order. Because the matter is on appeal to the Court of Appeals for the Seventh Circuit, it would not be possible to reconsider that order, even if I believed that doing so was appropriate or necessary. Plaintiff Scarver's motion is moot insofar as it seeks enforcement of the order; defendants have complied with the order. Therefore, the motion is denied as moot.

Mr. Arntsen and Ms. Pevehouse are relieved of their obligation to continue to represent plaintiff Christopher Scarver. The purpose for which they were appointed as counsel for Mr. Scarver has been achieved.

If plaintiff Scarver believes that he is being held unconstitutionally in the state of Colorado, he is free to file a new lawsuit setting for the reasons for his belief.

Counsel discussed some of plaintiffs' concerns with the enforcement of other aspects of the June 21, 2002, order. Because those matters are not raised in the form of a motion, no action was taken on any of them.

Entered this 14th day of August, 2003.

BY THE COURT:

BARBARA B. CRABB
District Judge