

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

NATHANIEL ALLEN LINDELL,

Plaintiff,

v.

GARY R. McCAUGHTRY,

Defendant.

ORDER

01-C-209-C

Plaintiff has filed a timely motion pursuant to Fed. R. Civ. P. 59 to alter or amend the judgment entered in this case on October 8, 2003. In his motion, plaintiff argues that it was error for this court to fail to list every fact he proposed in connection with defendant's motion for summary judgment and explain why certain of the facts were disregarded. According to plaintiff, the failure to explain the reason for each proposed fact omitted "obstructs appellate review." In addition, plaintiff reargues his position both with respect to factual matters found in the opinion and the legal conclusions reached.

It would be an inefficient use of limited judicial resources to require judges to regurgitate each party's proposed facts in full, explaining why some are immaterial and

others unsupported by the evidence. If plaintiff believes I erred in omitting one or more of the facts he proposed, he is free to challenge on appeal my failure to find the fact to be material and undisputed. The record on appeal includes the facts proposed by both parties and the evidence submitted in support of each parties' position. Therefore, it is not an obstruction of appellate review to refrain from providing the parties with a detailed explanation why certain proposed facts were disregarded in deciding the motion. With respect to plaintiff's remaining arguments, I have already considered plaintiff's position and have found for the defendant. Nothing in plaintiff's motion persuades me that the October 8 judgment should be disturbed.

Plaintiff's timely filed Rule 59 motion extends the time for filing a notice of appeal , if an appeal is to be taken, to thirty days from the date of the entry of the order disposing of the Rule 59 motion. See Fed. R. App. P. 4(a)(4)(A)(iv). Therefore, plaintiff has thirty days from the date of entry of this order in which to file a notice of appeal.

ORDER

IT IS ORDERED that plaintiff's motion to alter or amend the judgment entered in

this case on October 8, 2003 is DENIED.

Entered this 27th day of October, 2003.

BY THE COURT:

BARBARA B. CRABB
District Judge