

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

EDWARD J. PISCITELLO,

Plaintiff,

OPINION AND ORDER

v.

02-C-0252-C

GERALD BERGE,

Defendant.

This is a civil action for declaratory, injunctive and monetary relief in which plaintiff Edward J. Piscitello, an inmate at the Waupun Correctional Institution in Waupun, Wisconsin, was granted leave to proceed on his claims that (1) he was denied biblical counseling courses in violation of the First Amendment and (2) the totality of certain conditions of his confinement while housed at the Wisconsin Secure Program Facility (formerly the Supermax Correctional Institution) violated his Eighth Amendment rights. In that same order, plaintiff was denied leave to proceed on his claims that (1) he was transferred to Supermax in violation of due process and (2) he was denied medical and dental care in violation of the Eighth Amendment. On October 31, 2002, I denied plaintiff's motion for leave to amend his complaint to add various irrelevant conspiracy allegations

relative to his role as an informant for the city of Milwaukee.

Presently before the court is plaintiff's motion for reconsideration in which he argues colorfully that his "amended pleadings survives in the hot glare of this Court's legal regime." Because nothing in plaintiff's motion for reconsideration convinces me that I erred in denying either his motion to amend his complaint or portions of his request for leave to proceed, I will deny his motion for reconsideration. Alternatively, plaintiff seeks leave to file an interlocutory appeal regarding this court's October 31, 2002 order. This request will be denied because the October 31 order does not involve "a controlling question of law as to which there is a substantial ground for difference of opinion," which is required for an interlocutory appeal. See 28 U.S.C. § 1292.

ORDER

IT IS ORDERED that plaintiff Edward J. Piscitello's motion for reconsideration or, alternatively, request for leave to seek an interlocutory appeal is DENIED.

Entered this _____ day of November, 2002.

BY THE COURT:

BARBARA B. CRABB
District Judge