

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

NATHANIEL ALLEN LINDELL,

Petitioner,

v.

ORDER

02-C-473-C

SCOTT McCALLUM, Governor of Wisconsin; JON LITSCHER, Secretary of Wisconsin Department of Corrections; DICK VERHAGEN, former Administrator of Wisconsin's Department of Adult Institution; STEVEN CASPERSON, current Administrator of Wisconsin's Dept. of Adult Institutions; LAURA WOOD, policy advisor for D.A.I.; GARY R. McCAUGHTRY, former Warden of Waupun Correctional Institution; GERALD BERGE, Warden of Supermax; CINDY O'DONNELL, assistant deputy of Jon Litscher; JOHN RAY, Corrections Complaint Examiner; SANDY HAUTAMAKI, former inmate complaint examiner at W.C.I., now a C.C.E.; CATHY JESS and JODINE DEPPISCH, deputy wardens at W.C.I.; N. SALMON, secretary of Gerald Berge; PETER HUIBREGTSE, former security director at W.C.I., now deputy warden at Supermax; MARC CLEMENTS, Security Director at W.C.I.; CURT JENSSEN, Manager of W.C.I.'s Health and Segregation Unit; DEB TETZLAFF, W.C.I.'s program director; CAPTAIN STEVE SCHUELER, a Captain at W.C.I.; CAPTAIN MURASKI, a Captain at W.C.I.; LINDA ALSUM-O'DONOVAN, and JAMES MUENCHOW, both inmate complaint examiners (I.C.E.) at W.C.I.; ELLEN RAY, TOM "DOE," both I.C.E.'s at Supermax; SANDRA GRONDIN, C.O. SHANNON, SGT. HOTTENSTEIN and SGT. O'ROURKE - all guards at Supermax; J.C. SMITS, Mailroom employee at W.C.I.; JIM WEGNER, Supervisor of W.C.I.'s chapel; CHAPLAINS NORTH and FRANCIS, at W.C.I.; C.O. WATSON, guard at W.C.I.; CAPTAIN

TODD OVERBO at Supermax; VICKI SHARPE, Supermax's Program Director; JOHN SHARPE, Manager of Delta Unit, formerly Fox Trot Unit at Supermax; CAPTAIN LINJER at Supermax; WILLIAM SCHULTZ; LT. RANDALL GARRITSON and CAPT. ECKSTEIN, staff at W.C.I.; MR. HOMBE, SGT. HOTTENSTEIN, Supermax staff,

Respondents.

Judgment was entered in this case on February 3, 2003, denying petitioner Nathaniel Lindell leave to proceed in forma pauperis and dismissing the case. On February 18, 2003, petitioner filed a motion to alter or amend the judgment pursuant to Fed. R. Civ. P. 59. Petitioner certifies that he placed the motion in the prison mail box on February 9, 2003, so his motion appears to have been timely filed. See Houston v. Lack, 487 U.S. 266 (1988) (pro se prisoner's notice of appeal timely if delivered to prison authorities within applicable time limit).

In his motion, petitioner states his disagreement with this court's decision to deny him leave to proceed in forma pauperis, but he does not provide relevant case law to support a bald assertion that this court was without legal authority to deny him leave to proceed. I am not persuaded by petitioner's expression of dissatisfaction with the decision that I erred in considering the facts or the law forming the basis for the decision. Therefore, petitioner's motion to alter or amend the judgment will be denied.

As petitioner may already be aware, a 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 motion. See Fed. R. App. P. 4(a)(4)(A)(iv). Therefore, petitioner has thirty days from the date of entry of this order in which to file a notice of appeal.

ORDER

IT IS ORDERED that petitioner's motion to alter or amend the judgment entered in this case on February 3, 2003, is DENIED.

Entered this 19th day of February, 2003.

BY THE COURT:

BARBARA B. CRABB
District Judge