

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

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JONATHON M. MARK,

Plaintiff,

v.

OFFICERS OLSON; HAGLIN; SGT. MESHUN;  
SGT. McAURTHUR; MRS. TEGELS;  
MR. DOUGHERTY; LT. BENGAL; LT. DOHMS;  
LT. JOHNSON; MEDICAL STAFF  
BETWEEN 7-15-02 TO 9-15-02 (JOHN  
AND JANE DOES), RANDAL S. BERZ,  
THOMAS KARLEN (In Official and Individual  
Capacity),

Defendants.

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ORDER

03-C-516-C

In two orders entered in this case on October 21, 2003, I dismissed certain of plaintiff's claims against some of the defendants after screening plaintiff's complaint pursuant to 28 U.S.C. § 1915A. I allowed plaintiff to proceed on other claims against the defendants listed in the caption of this order.

Now plaintiff has filed a motion for an enlargement of time in which to appeal those portions of the October 21 orders that were adverse to him. I construe plaintiff's motion as including a motion to alter or amend the October 21 orders to include a finding that they

are immediately appealable pursuant to 28 U.S.C. § 1292. Plaintiff's motions will be denied.

28 U.S.C. § 1292 states in relevant part,

When a district judge, in making in a civil action an order not otherwise appealable under this section, shall be of the opinion that such order involves a controlling question of law as to which there is substantial ground for difference of opinion and that an immediate appeal from the order may materially advance the ultimate termination of the litigation, he shall so state in writing in such order.

I purposely did not include in the October 21 orders a finding that an interlocutory appeal would be proper. The orders do not involve controlling questions of law as to which there is substantial ground for difference of opinion, and a prompt appeal from the orders will not materially advance the ultimate termination of this litigation. Indeed, it will serve only to delay it. Plaintiff is free to appeal these decisions after this court has resolved all of the issues raised in the case against all of the defendants.

#### ORDER

IT IS ORDERED that plaintiff's motion for modification of the October 21, 2003 orders to include a finding that the orders are appealable under 28 U.S.C. § 1292 is DENIED. Plaintiff's motion for an enlargement of time in which to take an appeal is

DENIED as unnecessary.

Entered this 4th day of December, 2003.

BY THE COURT:

BARBARA B. CRABB  
District Judge