

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

TYLON C. CHRISTIAN,

Plaintiff,

v.

DOUGLAS TIMMERMAN, KATHERINE
DAYTON, NEIL LANE, DENISE SYMDON,
MARCIA GOODWIN, and CAROLE BRIONES,

Defendants.

ORDER

03-C-688-C

This is a civil action brought under 42 U.S.C. § 1983 in which plaintiff contends that defendants violated his Fourth and Fifth Amendment rights when they arrested and detained him without probable cause and due process of law. On August 2, 2005, defendants Neil Lane, Denise Symdon, Marcia Goodwin and Carole Briones moved for summary judgment, contending that they played no part in plaintiff's arrest or detention. Plaintiff has not opposed the motion. Instead, he has submitted a document titled "Response to defendants' Motion for Summary Judgment" in which he says that he does not object to the dismissal of defendants Lane, Symdon, Goodwin and Briones but that he wishes to retain the right to call those individuals as witnesses at trial.

Given plaintiff's concession that defendants Lane, Symdon, Goodwin and Briones did not participate personally in the events about which he complains in this lawsuit, I will grant these defendants' motion for summary judgment and dismiss them from the case. Whether plaintiff will be able to call these individuals as witnesses at trial is irrelevant to their party status. Following the preliminary pretrial conference held in this case on March 30, 2005, United States Magistrate Judge Stephen Crocker sent plaintiff a packet of materials that included this court's "Procedures for Calling Witnesses to Trial." According to those procedures, whether the individual to be called is a defendant or a non-party to the lawsuit, plaintiff must either obtain their agreement to attend voluntarily or secure their attendance through a properly served subpoena.

ORDER

IT IS ORDERED that the unopposed motion of defendants Neil Lane, Denise Symdon, Marcia Goodwin and Carole Briones for summary judgment on the ground that they did not participate personally in constitutional wrongdoing alleged in this case is

GRANTED. Defendants Neil Lane, Denise Symdon, Marcia Goodwin and Carole Briones are DISMISSED from this case.

Entered this 23rd day of September, 2005.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge