

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

DONALD LEE PIPPIN, JR.
and SHANNON CHARLES STEINDORF,

Petitioners,

v.

MATTHEW FRANK, Sec. of WI DOC;
STEVE CASPERSON, DAI Admin.;
JUDY P. SMITH - Warden of Oshkosh
Correctional Institution;
JIM SCHWOCHERT, Security Director
at OSCI; and JAMES A. ZANON,
Program Supervisor at OSCI; TIM PIERCE,
ICE at OSCI; JENNIFER DELVAUX,
ICE at OSCI; LAWERNCE STAHOWIAK,
Registrar at OSCI; RUTH TRITT, Mail
Room Supervisor at OSCI; ALI FONTANA,
Center Director at OSCI; BROOKS FELDMANN,
Center Director at OSCI; ELIZABETH YOST,
Librarian/Notary at OSCI; TOM EDWARDS,
HSU Director at OSCI; DR. ROMAN KAPLAN,
Medical Doctor at OSCI; DR. ALEXANDER STOLARSKI,
Chief Psychologist at OSCI; JULIE (?), Main Kitchen
Supervisor at OSCI; CAPT. MATT JONES, Security/
Segregation at OSCI; CAPT. DERRINGER, 1st Shift
Security at OSCI; CAPT. SCHROEDER, 2nd Shift
Security at OSCI; LT. BUECHEL (?-sp), 1st Shift
Security at OSCI (accomp. Dr. A.S. on 4/20/04);
LT. KEN KELLER, Security/Segregation at OSCI;
LT. LINGER, 1st Shift Security at OSCI; LT. ROBERT

ORDER

04-C-582-C

BLECHL, 2nd Shift Security at OSCI (now Capt. and 1st Shift); LT. SCHNEIDER, 2nd Shift Security at OSCI; LT. BLOTCHER (?sp), 2nd Shift Security at OSCI (Female Lt. involved on 11/15/03); SGT. KOONEN, 1st Shift Sgt. P-Bldg. at OSCI; SGT. MONROE, 1st Shift Sgt. Seg. at OSCI; SGT. RASMUSON, 2nd Shift Sgt. P-Bldg. at OSCI; SGT. GILBERTSON, 3rd Shift Sgt. P-Bldg. at OSCI; CO PLATZ, 3rd Shift P-Bldg. at OSCI; CO S. DOMAN, 2nd Shift Utility at OSCI; CO RADKE, 3rd Shift Seg. at OSCI; CO SMITH, 3rd Shift Seg. at OSCI; CO WERNER, 1st Shift Seg./Hearing Transport Officer at OSCI; CO JENSEN, 1st Shift P-Bldg. (now U-Bldg) at OSCI; and CO CAROL COOK, Seg. Property Officer/Mail at OSCI;

Respondents.

Judgment was entered in this action on August 23, 2004, dismissing this civil action without prejudice.¹ Now petitioner Donald Lee Pippin, Jr. has filed a letter dated August 24, 2004, which I construe as a motion to alter or amend the judgment pursuant to Fed. R. Civ. P. 59.

In his motion, petitioner Pippin disagrees with this court's decision to require him to file a lawsuit separate from inmate Steindorf. However, he does not contend that this court's ruling is contrary to law. Since Rule 59(e) was not intended to create a mechanism

¹The order of dismissal is misdated January 23, 2004. It should have been dated August 23, 2004.

for simply rearguing issues that have been decided, plaintiff's motion to alter or amend the August 23 judgment must be denied.

If petitioner intends to appeal from the dismissal of this action, he has thirty days from the date of the entry of this order in which to file a notice of appeal. See Fed. R. App. P. 4(a)(4)(A)(iv). I express no opinion here whether such an appeal would have to be certified as taken in bad faith.

ORDER

IT IS ORDERED that plaintiff's motion to alter or amend the judgment entered in this case on August 23, 2004 is DENIED.

Entered this 1st day of September, 2004.

BY THE COURT:

BARBARA B. CRABB
District Judge