

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

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RICHARD L. GRENNIER,

Plaintiff,

v.

MATTHEW FRANK,

Defendant.

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ORDER

05-C-81-C

Plaintiff has filed a document entitled “Plaintiff Motion For Amendment Of Opinion and Order.” I construe this document as a motion to alter or amend the judgment brought pursuant to Fed. R. Civ. P. 59(e). In an order dated August 25, 2005, I dismissed this case after concluding that no protected liberty interest was implicated in plaintiff’s classification as a sex offender while he was incarcerated and the attendant requirement that he complete a sex offender treatment program. In his motion, plaintiff argues that a protected liberty interest was created at the time he was sentenced because, at that time, he could either be sentenced to imprisonment or detained civilly as a sex offender, but not both. Plaintiff contends that he faces commitment under Wisconsin’s sexually violent persons law, Wis. Stat. ch. 980, if and when he is paroled.

Plaintiff's motion will be denied. The fact that Wis. Stat. ch. 980 did not exist at the time he was sentenced does not mean that plaintiff has a protected liberty interest in avoiding continued incarceration under it after his sentence expires. The only way the state could create a protected liberty interest at plaintiff's sentencing is if a statute or regulation in effect at the time he was sentenced had guaranteed persons under criminal sentence that they would not be incarcerated beyond the duration of their sentences under a civil commitment statute. Plaintiff has pointed to no such authority. Therefore, he has not shown that he acquired a liberty interest in avoiding civil commitment was created when he was sentenced only to life imprisonment.

ORDER

IT IS ORDERED that plaintiff's motion to alter or amend the judgment entered in this case on August 25, 2005 is DENIED.

Entered this 12th day of September, 2005.

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