

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

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ARVIN W. KUNTZ,

ORDER

Plaintiff,

05-C-0250-C

v.

MARATHON COUNTY and  
RONALD KEBERLE,

Defendants.  
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Understandably, plaintiff Arvin W. Kuntz objects to the immediate dismissal of this action, for which he paid the filing fee of \$250. He has filed a document which I construe as a motion to alter or amend the judgment of dismissal pursuant to Fed. R. Civ. P. 59.

Plaintiff's complaint was dismissed on the court's own motion because he is attempting to sue a judge and the county in which the judge sits, because he is convinced that the judge mishandled his case and rendered erroneous decisions. From plaintiff's complaint, it was clear that plaintiff wanted to relitigate in this court the matters that had been resolved against him in the county court proceedings.

Fed. R. Civ. P. 12(h)(3) provides that "[w]henver it appears by suggestion of the

parties or otherwise that the court lacks jurisdiction of the subject matter, then court shall dismiss the action.” When I dismissed plaintiff’s complaint, it was not because I disbelieved plaintiff’s factual allegations or thought them insignificant. Rather, it was solely because federal courts have no authority to render second opinions on civil matters litigated in state courts and because the legal precedent binding this court is that judges may not be sued for actions taken in the court of judicial proceedings. When a litigant such as plaintiff wishes to challenge the decisions of a county court judge, his recourse is to file an appeal in the state court of appeals and to appeal any adverse decision from that court to the Wisconsin Supreme Court and any adverse decision of the Wisconsin Supreme Court to the United States Supreme Court. This court is simply not a court authorized to review plaintiff’s claims.

#### ORDER

IT IS ORDERED that plaintiff’s motion pursuant to Fed. R. Civ. P. 59 to alter or

amend the judgment of dismissal entered in this case on April 28, 2005, is DENIED.

Entered this 19th day of May, 2005.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge