

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

AARON A. KREILKAMP,

Plaintiff,

v.

ROUNDY'S, INC.,

Defendant.

ORDER

05-C-425-C

Judgment was entered in this case on May 2, 2006, following entry of an order granting summary judgment to defendant. Now before the court are plaintiff's "Motion for Sute" [sic] dated May 9, 2006 (but not received at the court until June 9, 2006) and an undated "Motion for Unlawful Use of a Privit Phone Number" [sic], also received on June 9, 2006.

I construe plaintiff's "Motion for Sute" as a motion to reopen this case and will deny it. In support of the motion, plaintiff states that defendant committed perjury in connection with this case and "perpetrated the unlawful acts of fraud and extortion." He does not identify the alleged perjurous statements or explain the unlawful acts of fraud and extortion in which he contends defendant engaged. In any event, if plaintiff is attempting to argue

that defendant submitted affidavits or other materials to support its motion for summary judgment with which he disagreed, he had an opportunity to tell his version of the facts in his response to the motion. When I decided the motion for summary judgment, I considered all admissible evidence submitted by both sides to the lawsuit and found that defendant was entitled to judgment as a matter of law. If plaintiff believed that this court erred in finding the facts that it did, he had ten days from the date of entry of the judgment in which to move under Fed. R. Civ. P. 59 to alter or amend the judgment. He did not do that, so he is foreclosed from challenging in this court the merits of the May 2, 2006 order now or at any future time. A litigant's failure to meet the time limits of Rule 59 forecloses him from raising in the district court his assertions that errors of law have been made. United States v. Griffin, 782 F.2d 1393 (7th Cir. 1986) (litigant's failure to meet time limits of Rule 59 forecloses argument that errors of law were made).

With respect to plaintiff's second motion, it is unclear what plaintiff wants this court to do. He appears to be upset that defendant has obtained the cell phone number of a Ms. Donna Steyers, who, according to plaintiff, has not given him permission to use her cell phone number as a contact number for him. If plaintiff does not want defendant to use Ms. Steyers' phone number as a contact number for him, he is free to advise defendant of that fact. There is neither a need for court action or authority for this court to enter an order regarding the matter.

ORDER

IT IS ORDERED that plaintiff's "Motion for Sute" [sic] dated May 9, 2006 and his undated "Motion for Unlawful Use of a Privit Phone Number" [sic] are DENIED.

Entered this 14th day of June, 2006.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge