

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

NATHAN J. GAUSTAD,

Plaintiff,

v.

ORDER

JODINE DEPPISCH and MEL PULVER,

06-C-501-S

Defendants.

On September 27, 2006 the Court dismissed plaintiff's complaint for failure to state a claim for relief under federal law. He moves reconsideration.

The Court dismissed plaintiff's complaint for failure to state a claim for relief under federal law because the Court concluded that plaintiff was alleging a procedural due process claim. In his motion to reconsider he is alleging that he was denied substantive due process. Accordingly, the Court will reconsider and allow plaintiff to proceed on his substantive due process claim against the defendants.

ORDER

IT IS ORDERED that the above matter is REOPENED and plaintiff is allowed to proceed on his substantive due process claim against the defendants.

IT IS FURTHER ORDERED that defendants shall respond to plaintiff's motion for a temporary restraining order when they file a responsive pleading.

Gautsad v. Deppisch, et al., 06-C-501-S

The summons and complaint are being delivered to the United States Marshal for service upon defendants Jodine Deppisch and Mary Pulver at Fox Lake Correctional Institution, P.O. Box 137, Fox Lake, WI 53933-0147.

Entered this 3rd day of October, 2006.

BY THE COURT:

S/

JOHN C. SHABAZ
District Judge