

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

JAMES EDWARD GRANT,

Plaintiff,

v.

TRENTON SCHAFER,

Defendant.

ORDER

08-cv-672-bbc

Judgment was entered in this civil rights lawsuit on July 23, 2009 after I granted defendant's motion for summary judgment on plaintiff's excessive force claim. I subsequently denied two motions for relief from judgment brought by plaintiff under Fed. R. Civ. P. 60, and the Court of Appeals for the Seventh Circuit dismissed plaintiff's appeal for failure to pay the \$455 filing fee. Now plaintiff has filed a motion titled "Subpoena for Evidence" along with another notice of appeal.

I construe plaintiff's motion as another motion for relief from judgment under Rule 60. Plaintiff states that "[t]he court erroneously closed the case without getting copies of the recorded conversation of 31 March 2008" and lists other evidence it seems that he believes the court did not consider. However, plaintiff does not provide these pieces of

evidence or explain why he was unable to present this evidence in opposition to defendant's motion for summary judgment. Accordingly, I will deny his Rule 60 motion.

As for plaintiff's appeal, the court of appeals has already made clear that plaintiff cannot proceed in forma pauperis on appeal and must instead pay the full \$455 filing fee in order for the court of appeals to consider his appeal.

ORDER

IT IS ORDERED that plaintiff James Grant's motion for relief from judgment, dkt. #59, is DENIED.

Entered this 4th day of April, 2012.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge