

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

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HARLEY L. JOHNSON,

Petitioner,

v.

BETTY JOHNSON, DAN DILLION,  
CHUCK HOLZNECHT and any  
affiliated officials at Rock County courthouse,

Respondents.  
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ORDER

08-cv-316-slc

Because Judge Shabaz is on a medical leave of absence from the court for an indeterminate period, the court is assigning 50% of its caseload automatically to Magistrate Judge Stephen Crocker. Consents to the magistrate judge's jurisdiction have not yet been filed by all the parties to this action. Therefore, for the purpose of issuing this order only, I am assuming jurisdiction over the case.

This is a proposed civil action for monetary and injunctive relief brought under 42 U.S.C. § 1983. Petitioner Harley Johnson, who is acting pro se, seeks leave to proceed without prepayment of fees and costs or providing security for such fees and costs, pursuant to 28 U.S.C. § 1915. From the affidavit of indigency accompanying petitioner's proposed

complaint, I conclude that petitioner is unable to prepay the fees and costs of instituting this lawsuit.

In addressing any pro se litigant's complaint, the court must construe the complaint liberally. Haines v. Kerner, 404 U.S. 519, 521 (1972). However, if the action is frivolous or malicious, fails to state a claim upon which relief may be granted or seeks monetary relief against a defendant who is immune from such relief, the case must be dismissed promptly pursuant to 28 U.S.C. §1915(e)(2).

Even liberally construing petitioner's complaint, it is difficult to determine the nature of his claims. Petitioner begin the body of his complaint as follows:

For 30 plus years and at least 30 court battles, [I] have never had one judgment in my favor. Coincidence? No! Here is a list of actual events, occurrences along with true documented Court cases proving I have never won a court case in Rock County, Wisconsin. Unlucky? NO! One would ask why?

Petitioner continues with a description of various legal proceedings of which he has been a party and which in his view have been resolved adversely to him, including a divorce proceeding, a criminal charge for drug use, a "medical" lawsuit against police officers and various other interactions with the police, including "illegal searches" and "continual harassment." He concludes by saying

I would estimate that over a period of twenty three years, my ex-wife [respondent] Betty Johnson, using her powerful connections to bring a sick, warped sense of vengeance upon me often and many times as she could. She even admitted to me on more than once occasion that she will spend the rest of her life doing everything in

her power to ruin my life, physically, emotionally and financially.

. . . .

If anyone looks casually and digs for facts, they can find out that my ex-wife Betty, asking [respondent] Dan Dillion (Judge) – [respondent] Charles Holznecht (Court Commissioner) and other officials in the Rock County Court House to do what they can do to screw me around. . . . I truly believe this is not something I am making up in my mind. This information has really happened to me.

Although petitioner discusses a number of cases in his complaint, his request for relief focuses on one. He says, “I want to re-try the case of Harley Johnson vs. Dean George. The 784.12 fine mistakenly given to me I want to be reversed to the Attorney Trudgeon.” The context for this request is provided in an order for Johnson v. George, 07-CV-636 (Rock County Cir. Ct. May 8, 2008), which is attached to petitioner’s complaint. In the order, the court dismissed plaintiff’s claim against Dean George because neither plaintiff nor his lawyer, Michael Trudgeon, appeared for jury selection. In addition, the court ordered plaintiff to pay \$784.12 for the cost of summoning the jury.

Regardless whether plaintiff is trying to undo one state court judgment or several, he cannot obtain relief in this court. Except in very limited circumstances not present in this case, federal district courts have no authority to set aside a state court judgment. If federal courts were to intervene in every state court case in which one side was unhappy with the outcome, it would create unnecessary friction between the state and federal government and severely undermine the ability of state courts to administer justice. If a litigant in state court

is not satisfied with a ruling, he must appeal to the state court of appeals and then, if he is still aggrieved, to the state supreme court. This court is without jurisdiction to hear petitioner's claim. Beth-El All Nations Church v. City of Chicago, 486 F.3d 286, 292 (7th Cir. 2007) (“[L]ower federal courts lack subject-matter jurisdiction when, after state proceedings have ended, a losing party in state court files suit in federal court complaining of an injury caused by the state-court judgment and seeking review and rejection of that judgment.”)

ORDER

IT IS ORDERED that this case is DISMISSED for lack of jurisdiction.

Entered this 18<sup>th</sup> day of June, 2008.

BY THE COURT:

/s/

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BARBARA B. CRABB  
District Judge