

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

DAMIEN GREEN,

Plaintiff,

v.

DALIA SULIENE,,

Defendant.

ORDER

10-cv-485-slc

In an order entered on January 21, 2011, the court granted plaintiff Damien Green's request to proceed on his Eighth Amendment claims that the defendants were deliberately indifferent to his severe testicular pain and that defendant Dr. Suliene denied him prescription medication. On September 14, 2011, the court granted defendants' motion for partial summary judgment on plaintiff's Eighth Amendment deliberate indifference claim concerning his testicular pain and dismissed all defendants except Dalia Suliene without prejudice for failure to exhaust his administrative remedies on this claim.

Now plaintiff has filed a letter, which the court construes as a motion for reconsideration of the September 14, 2011. The gist of the letter is that he is complaining about my decision to Judge Crabb. However, because plaintiff has consented to my jurisdiction in this case, he cannot appeal my decision to Judge Crabb. Rather, his remedy would be to appeal a final order to the United States Court of Appeals for the Seventh Circuit.

As I have previously advised plaintiff, once a party consents to the jurisdiction of a magistrate judge, the consent cannot be withdrawn absent extraordinary circumstances. 28 U.S.C. § 636(c)(4). *See Lorenz v. Valley Forge, Ins. Co.*, 815 F. 2d 1095, 1097 (7th Cir. 1987); *Geras v. LaFayette Display Fixtures, Inc.*, 742 F. 2d 1037, 1038 (7th Cir. 1984). The fact that I

did not rule on a motion the way plaintiff wanted is not an extraordinary circumstance. Therefore, he cannot withdraw his consent to my jurisdiction.

Because Green did not show that he followed the procedures required of him to exhaust his administrative remedies concerning his claim of deliberate indifference to his testicular pain before filing this case, that claim was properly dismissed for his failure to exhaust his administrative remedies. Accordingly, plaintiff's motion for reconsideration will be denied.

ORDER

IT IS ORDERED that plaintiff Damien Green's motion for reconsideration, dkt. #81, is DENIED.

Entered this 26th day of September, 2011.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge