

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

JAMES R. SCHULTZ,

Plaintiff,

v.

JEFFREY PUGH, REED RICHARDSON,
MICHAEL KASTEN, ERIC JOHNSON,
JOHN SEVERSON, DOUGLAS DeMARS,
KENNETH MILBECK and BRADLEY HOOVER,
Defendants.¹

ORDER

10-cv-581-bbc

Plaintiff James Schultz has filed a document that he calls “motion for the court to rule on plaintiff’s remaining claims.” Dkt. #20. In particular, he says that the court “has not addressed” claims he raised in his complaint under “the United Nations Charter,” the “International Convention on Human Rights,” the “United Nations Conference on the Law of Treaties between States and International Organizations” and the Vienna Convention.

This motion will be denied as unnecessary. To begin with, it is not clear whether

¹ Plaintiff identified many of the defendants by their last name only in the complaint. I have amended the caption to include their first names as identified by counsel for defendants in her notice of acceptance of service. Dkt. #17.

some of these documents even exist, let alone are treaties to which the United States is a party. For example, I am not aware of a treaty titled “International Convention of Human Rights.” There is an international pact called the *American* Convention on Human Rights that includes some of the provisions plaintiff cites, but that is a pact among countries of Central America and South America; the United States is not a party to that agreement.

In any event, I explained to plaintiff in the order screening his complaint that treaties made by the United States cannot be enforced by private parties unless they are “implemented by appropriate legislation” or “are intended to be self-executing.” Frolova v. Union of Soviet Socialist Republics, 761 F.2d 370, 373 (7th Cir. 1985). I am not aware of any authority holding that any of the documents plaintiff cites meets this standard. Further, I instructed plaintiff in the screening order that, if he believes he “has claims under any of these laws, he must explain the basis for his belief and show that the particular law is enforceable by a private party in federal court.” Plaintiff has not made such a showing in his motion or even attempted to do so. Although he says that the Vienna Convention was ratified by the United States, he fails to explain why he believes defendants violated any enforceable rights he may have under the treaty.

ORDER

IT IS ORDERED that plaintiff James Schultz’s “motion for the court to rule on

plaintiff's remaining claims," dkt. #20, is DENIED as unnecessary.

Entered this 13th day of December, 2010.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge