

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

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CHARLES WILLIAM HOOPER,

Plaintiff,

v.

CAPTAIN CORONADO, *et al.*,

Defendants.

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ORDER

10-cv-743-slc

CHARLES WILLIAM HOOPER,

Plaintiff,

v.

LT. GARY PEDERSON, *et al.*,

Defendants.

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ORDER

11-cv-571-slc

In an order entered on May 11, 2012, I dismissed these cases with prejudice under Fed. R. Civ. 9. 41(b) because plaintiff Charles Hooper repeatedly delayed his responses to court orders and discovery requests over several months. As a final explicit warning, I gave plaintiff until April 30, 2012 in which to advise the court whether he wished to continue prosecuting these two lawsuits. He did not respond in any fashion.

On May 21, 2012, plaintiff filed what I construe as a motion to reopen his lawsuits under Fed. R. Civ. P. 59(e), claiming that he was incarcerated and had no way of getting in contact with the court. In an order entered on May 22, I allowed both parties an opportunity for input and required plaintiff to explain the when, where and how long he was incarcerated; why he failed to contact the court to report his situation and his whereabouts when he became incarcerated; if and when he received the court orders entered on April 16 and May 11, 2012; and what specifically prevented him from responding to the court orders. Although plaintiff filed a response, he did not answer the court's questions, alleging only that he was falsely incarcerated at the Juneau County Jail from March 3, 2012 until May 18, 2012. He also submits three Inmate Court Disposition

forms and a Waiver of Extradition form from the Circuit Court for the County of Du Page, Illinois. However, nothing in these documents indicates whether plaintiff was incarcerated, showing only that an unidentified court case was continued on three different occasions.

Defendants have submitted an affidavit from Captain Gary Pedersen, who is employed by the Juneau County Sheriff's Department at the jail in Juneau County, Wisconsin. Pedersen avers that plaintiff was booked at 8:51 p.m. on May 8, 2012 in the Juneau County Jail on a probation hold and released on the following day at 8:23 a.m. According to Pedersen, plaintiff was transported to the bus station in Mauston, Wisconsin immediately after his release.

As I told plaintiff in the May 22<sup>nd</sup> order, I would grant his motion only upon him showing a good cause. The purpose of a Rule 59 motion is to bring to the court's attention newly discovered evidence or a manifest error of law or fact. *Bordelon v. Chicago School Reform Board of Trustees*, 233 F.3d 524, 529 (7<sup>th</sup> Cir. 2000). It is not "a vehicle for a party to undo its own procedural failures." *U.S. v. Resnick*, 594 F.3d 562, 568 (7<sup>th</sup> Cir. 2010) (quoting *Bordelon*, 233 F.3d at 529). Plaintiff's incarceration for less than 12 hours during the period in question does not provide a good reason for failing to respond to this court's previous orders and deadlines. Accordingly,

IT IS ORDERED that plaintiff Charles Hooper's motion to reopen is DENIED.

Entered this 18<sup>th</sup> day of June, 2012.

BY THE COURT

/s/

STEPHEN L. CROCKER  
Magistrate Judge