

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

NATHAN GILLIS,

Plaintiff,

v.

ANTHONY ASHWORTH,

Defendant.

ORDER

11-cv-560-bbc

In this civil action, plaintiff Nathan Gillis contends that Columbia Correctional Institution staff violated his rights by prohibiting him from transferring money from his prison account to his mother and niece. In an April 30, 2012 order, I granted defendants' motion for judgment on the pleadings with respect to plaintiff's claims that (1) then-defendants Michael Meisner, Gary Hamblin and Captain Morgan violated his due process rights by denying his disbursement requests; and (2) defendants Anthony Ashworth, Meisner, Hamblin and Morgan breached plaintiff's settlement agreement with the state by denying his disbursement requests. The case is proceeding only on plaintiff's claim that defendant Anthony Ashworth violated his rights under the First Amendment by denying his disbursement requests in retaliation for filing a lawsuit against Ashworth.

Now plaintiff has filed a motion for reconsideration of the April 30 order, arguing that his due process claims were not "adequately address[ed]" in the order and that his

“exhibits showed clearly” that he should have prevailed on those due process claims. Plaintiff’s undeveloped motion (he provides no separate brief, and the substantive part of his motion is only two sentences long) provides no explanation of why I erred in granting summary judgment to defendants on these claims. In any case, in the April 30 order, I considered both parties’ evidentiary materials and explained at length that the various statutes, regulations and policies governing disbursements did not give plaintiff a constitutionally protected property interest in sending more than \$25 at a time to his mother. Because plaintiff fails to show that I was incorrect in this analysis, I will deny his motion for reconsideration.

Plaintiff has filed also a “motion for clarification” in which he asks whether the April 30 order is a final order, with the intention of then appealing that final order. The April 30 order is not a final order because it did not resolve all claims against all parties. To the extent that plaintiff might seek a partial final judgment as to defendants Meisner, Hamblin and Morgan under Fed. R. Civ. P. 54(b), I will not grant that request because the dismissed claims are intertwined with the still-active retaliation claim against Ashworth. Jack Walters & Sons Corp. v. Morton Building, Inc., 737 F.2d 698, 702 (7th Cir. 1984) (instructing district courts not to certify separate judgments under Rule 54(b) if separate appeals would require court of appeals to relearn the same facts in successive appeals).

ORDER

IT IS ORDERED that plaintiff Nathan Gillis's motions for reconsideration and clarification of the court's April 30, 2012 order in this case, dkt. ##44 & 45, are DENIED.

Entered this 12th day of July, 2012.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge