

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

TRAVIS J. HUSS,

Plaintiff,

v.

THOMAS J. GRITTON, MICHAEL BALSUS,
JOY MERBACH, POLLY EBBINGER,
ADAM SCHWAHN, KD, JOSEPH HILDEBRAND,
JOHN DOE REGIONAL CHIEF and
JOHN DOE ADMINISTRATIVE LAW JUDGE,

Defendants.

ORDER

13-cv-766-bbc

Plaintiff Travis Huss, a prisoner incarcerated at the Redgranite Correctional Institution, filed this lawsuit against court officers and probation staff concerning time he served in custody on an allegedly illegally long sentence. In a March 4, 2014 order, I dismissed the case for plaintiff's failure to state a claim upon which relief may be granted. Now plaintiff has filed a motion to alter or amend judgment under Fed. R. Civ. P. 59, arguing that probation officers had a duty to inform the court that his sentence was erroneous. However, in dismissing the case, I determined that plaintiff could not bring claims against Department of Corrections officials because they acted under a facially valid court order sentencing plaintiff. Dkt. #5 (citing Shaw v. Germain, 496 F. App'x 646, 649 (7th Cir. 2012) ("The defendants all worked for the Department of Corrections, and none

of them had authority to amend a sentencing order issued by an Illinois court [Plaintiff] should have sought relief from the state court. That reason alone defeats his suit”). Nothing in plaintiff’s motion persuades me that this determination was incorrect. Accordingly, IT IS ORDERED that plaintiff’s motion to alter or amend judgment, dkt. #8, is DENIED.

Entered this 15th day of April, 2014.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge