

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

ALLEN L. LUECK,

Plaintiff,

v.

KEITH BACK,

Defendant.

OPINION and ORDER

18-cv-40-jdp

Allen L. Lueck, appearing pro se, alleges that he was wrongfully terminated from his job in the La Crosse County highway department. Defendant Keith Back says that he fired Lueck because Lueck stole ATV ramps out of a county vehicle. Lueck says that Back fired him for reporting abusive conduct by another county employee who happened to be a relative of Back's. I granted Lueck leave to proceed against Back on a retaliation claim under the First Amendment to the United States Constitution and a due process claim under the Fourteenth Amendment.

Defendant Back has filed a motion for summary judgment. Dkt. 26. Lueck's initial summary judgment response, Dkt. 33, did not comply with this court's summary judgment procedures because Lueck did not file responses to each of defendant's numbered proposed findings of fact. The court gave him a second chance to submit a response. *See* Dkt. 36. Lueck filed a second response, Dkt. 37, but it has the same problems.

Ultimately Lueck's failure to file summary judgment materials that comply with this court's procedures is immaterial to the outcome of this case because it is unnecessary to address the substance of Lueck's claims. It's clear from the parties' submissions that the key fact—the date of Lueck's termination—is undisputed. The parties agree that Lueck was terminated on January 24, 2011.

Back contends that the case should be dismissed as untimely. At the time of the events in question, the statute of limitations for a claim brought under 42 U.S.C. § 1983 in Wisconsin was six years. *Reget v. City of La Crosse*, 595 F.3d 691, 694 (7th Cir. 2010). Lueck filed this lawsuit on January 18, 2018, almost a year too late given the six-year statute of limitations. Lueck does not address Back's statute-of-limitations argument in either of his responses to the summary judgment motion. Because Lueck filed this lawsuit well after the statute of limitations had run on his constitutional claims, I will grant Back's motion for summary judgment and dismiss the case.

ORDER

IT IS ORDERED that defendant Keith Back's motion for summary judgment, Dkt. 26, is GRANTED. The clerk of court is directed to enter judgment for defendant and close this case.

Entered November 18, 2020.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge