

2003 WL 23269345

Only the Westlaw citation is currently available.
United States District Court,
W.D. Wisconsin.

Dennis JONES'EL, Micha'el Johnson, De'Ondre Conquest, Luis Nieves, Scott Seal, Alex Figuero, Robert Sallie, Chad Goetsch, Edward Piscitello, Quintin L'Minggio, Lorenzo Balli, Donald Brown, Christopher Scarver, Benjamin Biese, Lashawn Logan, Jason Pagliarini, and Andrew Collette, on behalf of themselves and all others similarly situated, Plaintiffs,

v.

Gerald BERGE and Jon Litscher, Defendants.

No. 00-C-421-C. | Aug. 14, 2003.

Attorneys and Law Firms

Stephen P. Hurley, Edward R. Garvey, for Plaintiffs.

James E. McCambridge, Assistant Attorney General, Madison, WI, for Defendants.

Opinion

ORDER

CRABB, J.

*1 A hearing on plaintiff Christopher Scarver's motion to reconsider or enforce the court's June 21, 2002, order was held in this case on August 13, 2003, before United States

District Judge Barbara B. Crabb. Plaintiffs appeared by Ed Garvey, Pamela McGillivray and Dara Biederman. Also participating in the conference by telephone was David Fathi, appearing on behalf of plaintiffs. Representing plaintiff Christopher Scarver were Allen Arntsen and Elizabeth Pevehouse. James McCambridge, Assistant Attorney General for the state of Wisconsin appeared for defendants.

After hearing argument from counsel, and reviewing the materials filed before the hearing, I am satisfied that defendants' transfer of plaintiff Scarver was in compliance with the June 21, 2002, order. Because the matter is on appeal to the Court of Appeals for the Seventh Circuit, it would not be possible to reconsider that order, even if I believed that doing so was appropriate or necessary. Plaintiff Scarver's motion is moot insofar as it seeks enforcement of the order; defendants have complied with the order. Therefore, the motion is denied as moot.

Mr. Arntsen and Ms. Pevehouse are relieved of their obligation to continue to represent plaintiff Christopher Scarver. The purpose for which they were appointed as counsel for Mr. Scarver has been achieved.

If plaintiff Scarver believes that he is being held unconstitutionally in the state of Colorado, he is free to file a new lawsuit setting for the reasons for his belief.

Counsel discussed some of plaintiffs' concerns with the enforcement of other aspects of the June 21, 2002, order. Because those matters are not raised in the form of a motion, no action was taken on any of them.