UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

ENNIS LEE BROWN,

                      Plaintiff,

    v.   Case No. 16-cv-241-pp

JACOB GENNRICH, MARLON HANNAH,
MICHAEL HUBER, and MICHAEL NINKOVIC,

                      Defendants.

**ORDER DENYING PLAINTIFF'S PETITION FOR INTERLOCUTORY APPEAL
(DKT. NO. 136)**

The plaintiff has filed a petition for an interlocutory appeal of the court's
January 6, 2020 order. Dkt. No. 136. Specifically, he wishes to appeal the
court's order denying his motion for recusal, his motion to compel discovery
and his motion to add parties and claims. Id. at 1. The plaintiff states that the
court's rulings were based on incorrect facts and that they were in retaliation
for his filing a complaint in the court of appeals about this court's "bias" and
"inability" to act or administer the law as it demands. Id. (quotation marks in
the original).

A party may take an interlocutory appeal (an appeal from an order that
does not resolve the case) under 28 U.S.C. §1292(b) if the district court certifies
that the otherwise unappealable order involves a (1) controlling question of law,
(2) as to which there is substantial ground for difference of opinion and (3)
immediate appeal may materially advance the ultimate termination of the
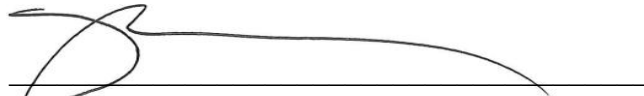litigation. 28 U.S.C. §1292(b). A "question of law" refers to a question regarding

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the meaning of a statutory or constitutional provision, regulation or common law doctrine. <u>Boim v. Quranic Literacy Inst.</u>, 291 F.3d 1000, 1007 (7th Cir. 2002) (citing <u>Ahrenholz v. Bd. of Trustees of the Univ. of Ill.</u>, 219 F.3d 674, 675 (7th Cir. 2000)).

There is no basis to certify an interlocutory appeal of the court's January 6, 2020 order. The issues the plaintiff has identified do not involve controlling questions of law and will not materially advance the termination of this litigation.

The court **DENIES** the plaintiff's petition for interlocutory appeal. Dkt. No. 136.

Dated in Milwaukee, Wisconsin this 3rd day of February, 2020.

BY THE COURT:

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HON. PAMELA PEPPER
Chief United States District Judge