

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

ELOUISE BRADLEY,

Plaintiff,

Case No. 20-cv-661-pp

v.

WISCONSIN DEPARTMENT OF
CHILDREN AND FAMILIES, *et al.*,

Defendants.

ORDER DENYING PLAINTIFF’S MOTION TO REOPEN CASE (DKT. NO. 28)

Since December 2012, the plaintiff—representing herself—has filed five cases in this district, all relating to her desire to run a daycare, her preclusion (perceived or actual) from doing so and her desire to “clear her name.” See Bradley v. Wis. Dep’t of Children & Families, 528 F. App’x 680 (7th Cir. 2013) (Bradley I); Bradley v. Sabree, 594 F. App’x 881 (7th Cir. 2015) (Bradley II); Bradley v. Sabree, 842 F.3d 1291 (7th Cir. 2016) (Bradley III); Bradley v. Wis. Dep’t of Children & Families, 715 F. App’x 549 (7th Cir. 2018) (Bradley IV). The court dismissed the prior four cases and the Seventh Circuit Court of Appeals affirmed all four dismissals.

On April 24, 2020, the plaintiff filed this fifth lawsuit, Bradley v. Wisconsin Department of Children and Families, et al. (Bradley V). Dkt. No. 1. On December 18, 2020, the court granted the defendants’ motion and dismissed the case for failure to state a claim under Federal Rule of Civil

Procedure 12(b)(6). Dkt. No. 13. The court denied the plaintiff's motions to alter or amend judgment and for relief from judgment. Dkt. No. 20. The plaintiff filed a notice of appeal on February 8, 2021. Dkt. No. 21. On September 8, 2021, the Seventh Circuit Court of Appeals dismissed the appeal. Dkt. No. 27. The Seventh Circuit also sanctioned the plaintiff by fining her \$5,000 and stating that until she paid the fine, she was barred from filing papers in any federal court in this circuit (subject to criminal and *habeas* exceptions). *Id.* at 3.

On April 5, 2022, the court received from the plaintiff a "Motion to Reopen Case." Dkt. No. 28. The plaintiff asserts that "[t]his matter should be reopened pursuant to Rule 60(b)(3). Fraud." *Id.* The court will construe the motion to reopen as a motion for reconsideration under Rule 60(b)(3), which states that "the court may relieve a party . . . from a final judgment, order, or proceeding" based on "fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party." Fed. R. Civ. P. 60(b)(3). "It is well-established that Rule 60(b) relief is an extraordinary remedy and is granted only in exceptional circumstances." Wickens v. Shell Oil Co., 620 F.3d 747, 759 (7th Cir. 2010). "A party seeking to set aside a judgment under Rule 60(b)(3) or the court's inherent power must prove fraud by clear and convincing evidence." *Id.* See also Fields v. City of Chi., 981 F.3d 534, 558 (7th Cir. 2020) (quoting Lonsdorf v. Seefeldt, 47 F.3d 893, 897 (7th Cir. 1995) ("A party seeking relief under [Rule 60(b)(3)] must demonstrate by clear and convincing evidence that: '(1) the party maintained a meritorious claim at trial; and (2) because of the fraud, misrepresentation or misconduct of the adverse

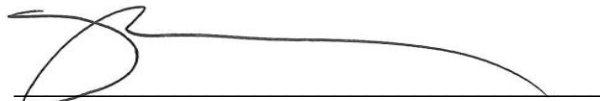
party; (3) the party was prevented from fully and fairly presenting its case at trial.”). The plaintiff has not satisfied this burden.

The court acknowledges that the Seventh Circuit’s docket in Case No. 21-1251 indicates that on March 14, 2022, the plaintiff paid the \$5,000 sanction the Seventh Circuit had imposed, which lifted the filing bar. The court notes, however, that in its order, the Seventh Circuit stated that if the plaintiff again “flout[s] [the Seventh Circuit’s] warnings and bring[s] a new case based on the same events, a summary disposition would be appropriate.” Dkt. No. 27 at 3. That means that this court could dismiss any new case without the detailed analysis in which it engaged in dismissing this case. This court also has the authority to impose sanctions on the plaintiff, including a filing bar.

The court **DENIES** the plaintiff’s motion to reopen the case. Dkt. No. 28.

Dated in Milwaukee, Wisconsin this 4th day of November, 2022.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
Chief United States District Judge