

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

ALAN DAVID McCORMACK,

Plaintiff,

v.

GERALD WRIGHT, MICHAEL J.
GABLEMAN and BURNETT COUNTY
CIRCUIT COURT,

Defendants.

ORDER

12-cv-483-bbc

ALAN DAVID McCORMACK,

Plaintiff,

v.

KENNETH L. KUTZ, WILLIAM
NORINE, BURNETT COUNTY
OFFICE OF THE DISTRICT
ATTORNEY, WILLIAM A. DINGMAN,
ROBERT KELLBERG, DONALD L.
TAYLOR, BURNETT COUNTY SHERIFF'S
DEPARTMENT, UNKNOWN JOHN DOE
BURNETT COUNTY PUBLIC OFFICERS
AND EMPLOYEES, BURNETT COUNTY
CIRCUIT COURT,

Defendants.

ORDER

12-cv-558-bbc

Presently before the court are plaintiff Alan David McCormack's motions for relief

from judgment in each of these cases. These are not the first motions that plaintiff has filed in his effort to get his claims heard. It is time to end the filings. As unwilling as plaintiff is to accept the court's rulings, he cannot continue to argue the same issues over and over.

A. McCormack v. Wright, 12-cv-483-bbc

In this case, plaintiff filed a complaint that was dismissed with prejudice on October 23, 2012, because the individual defendants are absolutely immune from suits for damages for actions taken in their official capacity, Mireles v. Waco, 502 U.S. 9 (1991), and the Burnett County Circuit Court is not a suable entity. Dkt. #8. Judgment was entered the next day.

Since judgment was entered, plaintiff has filed three unsuccessful motions to alter or amend the judgment, dkt. ##10, 19 & 29, together with various other motions, all of which were denied in written decisions. He also filed a notice of appeal but later withdrew the appeal before the court of appeals could act on it. Dkt. #23. On July 11, 2013, plaintiff filed the motion for relief from judgment that is before the court in this case. Dkt. #32.

B. McCormack v. Kutz, 12-cv-558-bbc

In this case, plaintiff alleged that various individuals and entities, including the Burnett County Circuit Court, the Burnett County Office of the District Attorney and the circuit judge for Burnett County (Kenneth Kutz), deprived him of his liberty by concealing and withholding evidence that would have shown he was not guilty of the murder with which

he was charged. He was granted leave to proceed in forma pauperis, but his complaint was dismissed on November 13, 2012, for his failure to state a claim. His constitutional claims were barred by Heck v. Humphrey, 512 U.S. 477 (1994). Judgment was entered in favor of defendants on November 16, 2012. Dkt. #12.

Thereafter, plaintiff filed four motions to alter or amend, dkt. ##15, 27, 33 & 40, all of which were denied. He filed a notice of appeal, dkt. #16, that he moved to withdraw less than five weeks later. Dkt. #28. On March 19, 2013, he moved for reconsideration, dkt. #37, which was denied. On July 11, 2013, he filed the motion for relief from judgment that is before the court. Dkt. #43.

C. Pending Motions

Plaintiff's pending motions are nothing more than continued repetition of the meritless motions he has been filing since he was denied leave to proceed in each of his cases. He has not been able to explain why he is entitled to amend his complaint or obtain reconsideration of the original orders denying him leave to proceed. Enough is enough. Addressing these motions makes it difficult to give time to the many other motions pending before the court. Accordingly, I will not act on any additional motions filed by plaintiff in either of these cases. Instead, the motions will be placed in a drawer.

ORDER

IT IS ORDERED that plaintiff Alan David McCormack's motions for relief from

judgment in each of these cases is DENIED. If plaintiff files any more motions in either case, the motions will be placed in a drawer and not read or acted upon.

Entered this 2d day of August, 2013.

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