

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

CHARLES PRIDE,

Plaintiff,

v.

ORDER

13-cv-308-bbc

CITY OF EAGLE RIVER, WISCONSIN,
JEFF HYSLOP, FRED INTERMUEHLE,
JOE LAUX, JERRY BURKET, GEORGE
MEADOWS, KIM SCHAFFER,
CAROL HENDRICK, DEB BROWN,
EAGLE RIVER LIGHT AND WATER,
LARRY PHIFER, LON BUSHEY,
PAT WEBER, EAGLE RIVER PUBLIC
WORKS DEPARTMENT, JOE
TOMLANOVICH, MIKE ADAMOVICH,
MIDSTATE ENGINEERING, SCOTT
MARTIN, BLACKHAWK ENGINEERING,
GREG HUZA;STEVE GARBOWICZ, JOHN
NIEBURH, JOE RATH and JERRI RADTKE,

Defendants.

Plaintiff Charles Pride has filed a document entitled “Motion for Paid Fee Motion Denial Appeal Right Reconsideration,” dkt. #49, along with a “Supplemental Amended Reconsideration Motion for Paid Fee Denial of Appeal Right, Based on Continuing Additional Clerk USPS Deprived Order Notice Error.” Dkt. #51. Although it is difficult to understand what relief plaintiff is seeking, it appears that he wants to have his notice of

appeal reinstated because he paid the \$455 appeal filing fee and he appears concerned that he is not receiving correspondence properly. Plaintiff's motions will be denied.

On January 30, 2014, the Seventh Circuit Court of Appeals dismissed plaintiff's appeal for his failure to timely pay the required \$455 docketing fee. On February 18, 2014 plaintiff filed a motion to recall the mandate with the court of appeals. The court of appeals denied plaintiff's motion without prejudice subject to renewal if plaintiff filed a motion to proceed in forma pauperis on appeal or paid the \$455 filing fee by March 7, 2014. Instead of filing with the Seventh Circuit, on February 26, 2014, plaintiff electronically submitted through this court's CM/ECF filing system, a document captioned to the Seventh Circuit Court of Appeals titled "Renewed Circuit Motion to Appeal In Forma Pauperis with Time Enlargement for Court Cost Fee Payment, If Denied." Dkt. #41. Although plaintiff may not have been aware, he filed this document with the wrong court. This February 26, 2014 request should have been made to the Seventh Circuit Court of Appeals. On April 15, 2014, plaintiff paid the \$455 appellate filing fee. The court of appeals received notice of this payment.

Plaintiff then proceeded to file a series of letters and motions to this court, including a recent motion for "Circuit Time enlargement for court cost fee payment," dkt. #47, which I denied on March 11, 2015 because I do not have jurisdiction to reconsider matters decided by the court of appeals. Dkt. #48. For the same reason, plaintiff's "Motion for Paid Fee Motion Denial Appeal Right Reconsideration," dkt. #49, must be denied. It is difficult to determine what plaintiff wants, but it appears that he is asking to have his appeal reinstated

because he paid the \$455 appellate docketing fee. He must file that motion with the court of appeals.

Turning next to plaintiff's "Suppl[e]mental Amended Reconsideration Motion for Paid Fee Denial of Appeal Right, Based on Continuing Additional Clerk USPS Deprived Order Notice Error," dkt. #51, plaintiff appears to be concerned that he did not receive a copy of my March 11, 2015 order in the mail. The copy was instead sent to the e-mail address plaintiff provided at the time he registered to file documents electronically through the court's CM/ECF filing program. A review of this court's records show that on July 30, 2013, plaintiff registered to file documents and receive notices electronically in this case. It was plaintiff's responsibility to promptly notify the clerk's office if he no longer had the ability to file or receive documents at the e-mail address he provided when he registered for electronic filing. When plaintiff filed notice on March 27, 2015 that he had not received copies of certain docket entries and he requested documents to be sent through the mail, the clerk of court sent him the copies he requested and removed his e-mail address from the docket, so he would no longer receive notices and orders via e-mail. Accordingly, no additional action is needed on plaintiff's "Supplemental Amended Reconsideration Motion for Paid Fee Denial of Appeal Right, Based on Continuing Additional Clerk USPS Deprived Order Notice Error" and this motion will be denied as moot.

Finally, because plaintiff persists in filing documents in this court over which only the court of appeals retains jurisdiction, I am imposing a filing restriction on plaintiff. Any further documents submitted by plaintiff on his appeal will be forwarded to chambers for

review without docketing. Such filings will be deemed denied by the 30th day following receipt, unless the court takes other action.

ORDER

IT IS ORDERED that

1. Plaintiff Charles Pride’s “Motion for Paid Fee Motion Denial Appeal Right Reconsideration,” dkt. #49, is DENIED.

2. Plaintiff’s “Supplemental Amended Reconsideration Motion for Paid Fee Denial of Appeal Right, Based on Continuing Additional Clerk USPS Deprived Order Notice Error,” dkt. #51, is DENIED as moot.

3. The clerk of court is directed to forward to chambers any future documents plaintiff submits to this court that pertain to his appeal of case no. 13-cv-308-bbc. These will be considered denied, without the need for judicial action, on the 30th day following receipt, unless the court orders otherwise.

Entered this 4th day of May, 2015.

BY THE COURT:

/s/

BARBARA B.CRABB
District Judge