

**U.S. District Court
Western District of Wisconsin (Madison)
CIVIL DOCKET FOR CASE #: 3:15-cv-00454-jdp**

Dumas, Olton v. Tucker, Victoria et al
Assigned to: District Judge James D. Peterson
Referred to: Magistrate Judge Stephen L. Crocker
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 07/23/2015
Date Terminated: 01/27/2017
Jury Demand: None
Nature of Suit: 550 Prisoner: Civil Rights
Jurisdiction: Federal Question

Plaintiff**Olton L. Dumas**

represented by **Olton L. Dumas**
47182
Kenosha Correctional Center
6353 14th Avenue
Kenosha, WI 53143
PRO SE

V.

Defendant

Department of Corrections
TERMINATED: 12/01/2015

represented by **Corey Francis Finkelmeyer**
Wisconsin Department of Justice
P.O. Box 7857
Madison, WI 53707
(608) 266-7342
Fax: (608) 267-8906
Email: federalorderscl@doj.state.wi.us
TERMINATED: 01/05/2016
LEAD ATTORNEY

Defendant

Edward F. Wall
Secretary
TERMINATED: 12/01/2015

represented by **Corey Francis Finkelmeyer**
(See above for address)
TERMINATED: 01/05/2016
LEAD ATTORNEY

Defendant

Division of Community Corrections
TERMINATED: 12/01/2015

represented by **Corey Francis Finkelmeyer**
(See above for address)
TERMINATED: 01/05/2016
LEAD ATTORNEY

Defendant

Denise Symdon
Administrator
TERMINATED: 12/01/2015

represented by **Corey Francis Finkelmeyer**
(See above for address)
TERMINATED: 01/05/2016
LEAD ATTORNEY

Defendant

Jim Neitzel
Supervisor
TERMINATED: 12/01/2015

represented by **Corey Francis Finkelmeyer**
(See above for address)
TERMINATED: 01/05/2016
LEAD ATTORNEY

Defendant

represented by

Victoria L. Tucker
Agent

Corey Francis Finkelmeyer
(See above for address)
TERMINATED: 01/05/2016
LEAD ATTORNEY

Rebecca Ann Paulson
Department of Justice
17 West Main Street
Madison, WI 53702
608-266-0278
Email: paulsonra@doj.state.wi.us
ATTORNEY TO BE NOTICED

Defendant

Chloe Moore
Agent

represented by **Corey Francis Finkelmeyer**
(See above for address)
TERMINATED: 01/05/2016
LEAD ATTORNEY

Rebecca Ann Paulson
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Department of Administration
TERMINATED: 12/01/2015

represented by **Corey Francis Finkelmeyer**
(See above for address)
TERMINATED: 01/05/2016
LEAD ATTORNEY

Defendant

Division of Hearings and Appeals
TERMINATED: 12/01/2015

represented by **Corey Francis Finkelmeyer**
(See above for address)
TERMINATED: 01/05/2016
LEAD ATTORNEY

Defendant

Brian Hayes
Administrator
TERMINATED: 12/01/2015

represented by **Corey Francis Finkelmeyer**
(See above for address)
TERMINATED: 01/05/2016
LEAD ATTORNEY

Defendant

Beloit Police Department
TERMINATED: 12/01/2015

Date Filed	#	Docket Text
07/23/2015	<u>1</u>	COMPLAINT against All Defendants, filed by Plaintiff Olton L. Dumas. (Case randomly assigned to District Judge James D. Peterson.) (Attachments: # <u>1</u> Cover Letter, # <u>2</u> Envelope) (nln) (Entered: 07/23/2015)
07/23/2015	<u>2</u>	Motion for Leave to Proceed in forma pauperis by Plaintiff Olton L. Dumas. (nln),(ps) (Entered: 07/23/2015)
07/24/2015	<u>3</u>	ORDER directing plaintiff to submit a Trust Fund Account Statement by 8/13/2015. Signed by Magistrate Judge Peter A. Oppeneer on 7/24/2015. (elc),(ps) (Entered: 07/24/2015)
08/03/2015	<u>4</u>	Inmate Account Statement by Plaintiff Olton L. Dumas. (Attachments: # <u>1</u> Cover Letter, # <u>2</u> Envelope) (jef),(ps) (Entered: 08/03/2015)

08/04/2015	<u>5</u>	ORDER on ifp request: Complaint taken under advisement for screening. Signed by Magistrate Judge Peter A. Oppeneer on 8/4/2015. (jef),(ps) (Entered: 08/04/2015)
08/04/2015	<u>6</u>	Warden PLRA Letter. (jef),(ps) (Entered: 08/04/2015)
10/13/2015	<u>7</u>	Notice of Change of Address from the Rock County Jail to Dodge Correctional Institution by Plaintiff Olton L. Dumas. (Attachments: # <u>1</u> Envelope) (elc),(ps) (Entered: 10/13/2015)
12/01/2015	<u>8</u>	ORDER on Leave to Proceed: Plaintiff granted leave to proceed against Defendants Victoria L. Tucker, Chloe Moore. Leave to proceed denied and case dismissed against Department of Corrections, Division of Community Corrections, Division of Hearings and Appeals, Brian Hayes, Jim Neitzel, Denise Symdon, Edward F. Wall, Beloit Police Department and Department of Administration. Materials delivered to DOJ for acceptance of service. Signed by District Judge James D. Peterson on 12/1/2015. (jef),(ps) (Entered: 12/01/2015)
01/05/2016	<u>9</u>	Notice of Appearance filed by Rebecca Ann Paulson for Defendants Chloe Moore, Victoria L. Tucker. (Attachments: # <u>1</u> Certificate of Service) (Paulson, Rebecca),(ps) (Entered: 01/05/2016)
01/05/2016	<u>10</u>	Acceptance of Service by DOJ on behalf of Defendants Chloe Moore, Victoria L. Tucker. (Paulson, Rebecca),(ps) (Entered: 01/05/2016)
01/05/2016	<u>11</u>	MOTION TO DISMISS by Defendants Chloe Moore, Victoria L. Tucker. (Paulson, Rebecca),(ps) (Entered: 01/05/2016)
01/05/2016	<u>12</u>	Brief in Support of <u>11</u> Motion to Dismiss by Defendants Chloe Moore, Victoria L. Tucker. (Paulson, Rebecca),(ps) (Entered: 01/05/2016)
01/05/2016		Set Briefing Deadlines as to <u>11</u> MOTION TO DISMISS. Plaintiff's Brief in Opposition due 1/26/2016. Defendants' Brief in Reply due 2/5/2016. (nlm),(ps) (Entered: 01/05/2016)
01/05/2016		Set Telephone Pretrial Conference: Telephone Pretrial Conference set for 1/26/2016 at 02:30 PM before Magistrate Judge Stephen L. Crocker. Counsel for Defendants responsible for setting up the call to chambers at (608) 264-5153. [<u>Notice Regarding the Telephone Preliminary Pretrial Conference</u> attached] (nlm),(ps) (Entered: 01/05/2016)
01/05/2016	<u>13</u>	Notice that for the remainder of this lawsuit plaintiff need only send a copy of his filings in this case to the court pursuant to an informal service agreement with the Wisconsin Department of Justice. (nlm),(ps) (Entered: 01/05/2016)
01/25/2016	<u>14</u>	Brief in Opposition by Plaintiff Olton L. Dumas re: <u>11</u> Motion to Dismiss filed by Victoria L. Tucker, Chloe Moore. (Attachments: # <u>1</u> Exhibit A – Four Part Stage Draft, # <u>2</u> Cover Letter, # <u>3</u> Envelope) (nlm),(ps) (Entered: 01/25/2016)
01/27/2016		Minute Entry for proceedings held before Magistrate Judge Stephen L. Crocker: Telephone Preliminary Pretrial Conference – Pro Se held on 1/26/2016 [:20] (cak),(ps) (Entered: 01/27/2016)
01/29/2016	<u>15</u>	Pretrial Conference Order – Dispositive Motions due 9/16/2016. Rule 26(a)(3) Disclosures and all motions in limine due 3/10/2017. Objections due 3/24/2017. Final Pretrial Conference set for 4/3/2017 at 08:30 AM. Jury Selection and Trial set for 4/3/2017 at 09:00 AM. Signed by Magistrate Judge Stephen L. Crocker on 1/28/2016. (jef),(ps) (Entered: 01/29/2016)
02/02/2016	<u>16</u>	Brief in Reply by Defendants Chloe Moore, Victoria L. Tucker in Support of <u>11</u> Motion to Dismiss, (Attachments: # <u>1</u> Certificate of Service) (Paulson, Rebecca),(ps) Modified on 2/2/2016: Removed duplicate text. (lak) (Entered: 02/02/2016)
06/07/2016	<u>17</u>	ORDER denying <u>11</u> Motion to Dismiss. Signed by District Judge James D. Peterson on 6/7/2016. (jef),(ps) (Entered: 06/07/2016)

06/20/2016	<u>18</u>	ANSWER by Defendants Chloe Moore, Victoria L. Tucker, (Attachments: # <u>1</u> Certificate of Service) (Paulson, Rebecca),(ps) (Entered: 06/20/2016)
08/18/2016	<u>19</u>	Motion to Take Deposition from Olton Dumas by Defendants Chloe Moore, Victoria L. Tucker. Motions referred to Magistrate Judge Stephen L. Crocker. (Attachments: # <u>1</u> Certificate of Service) (Paulson, Rebecca),(ps) (Entered: 08/18/2016)
08/18/2016	20	** TEXT ONLY ORDER ** ORDER granting <u>19</u> Motion to Take Deposition from Olton Dumas. Signed by District Judge James D. Peterson on 8/18/2016. (nlm),(ps) (Entered: 08/18/2016)
09/06/2016	<u>21</u>	MOTION FOR SUMMARY JUDGMENT by Plaintiff Olton L. Dumas. (Attachments: # <u>1</u> Cover Letter and Envelope) (elc),(ps) (Entered: 09/06/2016)
09/06/2016	<u>22</u>	Brief in Support of <u>21</u> Motion for Summary Judgment by Plaintiff Olton L. Dumas (elc),(ps) (Entered: 09/06/2016)
09/06/2016	<u>23</u>	Proposed Findings of Fact filed by Plaintiff Olton L. Dumas re: <u>21</u> Motion for Summary Judgment (elc),(ps) (Entered: 09/06/2016)
09/06/2016	<u>24</u>	Affidavit of Olton Dumas re: <u>21</u> Motion for Summary Judgment (Attachments: # <u>1</u> Exhibit 1 – Detail Report for Incident, # <u>2</u> Exhibit 2 – Rock County Jail Liaison Request Form, # <u>3</u> Exhibit 3 – 8/17/2015 DOC Letter to Plaintiff, # <u>4</u> Exhibit 4 – DOC 328.12 Client Complaint Process, # <u>5</u> Exhibit 5 – Sample Statement Form, # <u>6</u> Exhibit 6 – Notice of Violation, Recommended Action, Statement of Hearing Rights and Receipt, # <u>7</u> Exhibit 7 – Waivers and Custody Decision, # <u>8</u> Exhibit 8 – Case Conditions, # <u>9</u> Exhibit 9 – Rules of Community Supervision, # <u>10</u> Exhibit 10 – Reincarceration Time Recommendation Worksheet) (elc),(ps) (Entered: 09/06/2016)
09/06/2016		Set Deadlines as to <u>21</u> MOTION FOR SUMMARY JUDGMENT. [<u>Pro Se Summary Judgment Procedure for Cases Assigned to Judge Peterson</u> attached.] Defendants' Brief in Opposition due 10/6/2016. Plaintiff's Brief in Reply due 10/17/2016. (elc),(ps) (Entered: 09/06/2016)
09/16/2016	<u>25</u>	Cross MOTION FOR SUMMARY JUDGMENT by Defendants Chloe Moore, Victoria L. Tucker, (Attachments: # <u>1</u> Certificate of Service) (Paulson, Rebecca),(ps) (Entered: 09/16/2016)
09/16/2016	<u>26</u>	Combined Brief in Opposition re: <u>21</u> Motion for Summary Judgment and Brief in Support of <u>25</u> Motion for Summary Judgment by Defendants Chloe Moore, Victoria L. Tucker. (Paulson, Rebecca),(ps) Modified on 9/18/2016: This is a multi-part document. (lak) (Entered: 09/16/2016)
09/16/2016	<u>27</u>	Declaration of Chloe Moore filed by Defendants Chloe Moore, Victoria L. Tucker re: <u>25</u> Motion for Summary Judgment, (Attachments: # <u>1</u> Exhibit 1000 – Unredacted Revocation Packet, # <u>2</u> Exhibit 1001 – Revocation Hearing Transcript, # <u>3</u> Exhibit 1002 – Booking Report, # <u>4</u> Exhibit 1003 – Jail Liaison Request Form, # <u>5</u> Exhibit 1004 – Dumas' Petition to Exclude Statement, # <u>6</u> Exhibit 1005 – ALJ Revocation Decision) (Paulson, Rebecca),(ps) Modified on 9/18/2016. (lak) (Entered: 09/16/2016)
09/16/2016	<u>28</u>	Declaration of Victoria Tucker filed by Defendants Chloe Moore, Victoria L. Tucker re: <u>25</u> Motion for Summary Judgment. (Paulson, Rebecca),(ps) (Entered: 09/16/2016)
09/16/2016	<u>29</u>	Proposed Findings of Fact by Defendants Chloe Moore, Victoria L. Tucker re: <u>25</u> Motion for Summary Judgment. (Paulson, Rebecca),(ps) Modified on 9/18/2016: Linked to the motion. (lak) (Entered: 09/16/2016)
09/16/2016	<u>30</u>	Response to Proposed Findings of Fact filed by Defendants Chloe Moore, Victoria L. Tucker re: <u>21</u> Motion for Summary Judgment. (Paulson, Rebecca),(ps) (Entered: 09/16/2016)

		09/16/2016)
09/16/2016	<u>31</u>	Deposition of Olton Dumas taken on September 1, 2016. (Paulson, Rebecca),(ps) Modified on 9/18/2016. (lak) (Entered: 09/16/2016)
09/16/2016		Set Briefing Deadlines as to <u>25</u> Cross MOTION FOR SUMMARY JUDGMENT. [<u>Pro Se Summary Judgment Procedure for Cases Assigned to Judge Peterson</u> attached.] Plaintiff's Brief in Opposition due 10/17/2016. Defendants' Brief in Reply due 10/27/2016. (nlm),(ps) (Entered: 09/16/2016)
10/13/2016	<u>32</u>	Motion for Extension of Time by Plaintiff Olton L. Dumas. (Attachments: # <u>1</u> Envelope) (jef),(ps) (Entered: 10/13/2016)
10/13/2016	<u>33</u>	** TEXT ONLY ORDER ** ORDER granting Plaintiff's <u>32</u> Motion for Extension of Time. Plaintiff's Brief in Opposition and Brief in Reply due 10/24/2016. Defendants' Brief in Reply to their motion for summary judgment due 11/3/2016. Signed by Magistrate Judge Stephen L. Crocker on 10/13/2016. (jef),(ps) (Entered: 10/13/2016)
10/17/2016	<u>34</u>	Brief in Reply by Plaintiff Olton L. Dumas in Support of <u>21</u> Motion for Summary Judgment and in Opposition to <u>25</u> Cross Motion for Summary Judgment. (Attachments: # <u>1</u> Cover Letter and Envelope) (nlm),(ps) (Entered: 10/17/2016)
10/17/2016	<u>35</u>	Reply in Support of Proposed Findings of Fact filed by Plaintiff Olton L. Dumas re: <u>21</u> Motion for Summary Judgment. (nlm),(ps) (Entered: 10/17/2016)
10/17/2016	<u>36</u>	Response to Proposed Findings of Fact filed by Plaintiff Olton L. Dumas re: <u>25</u> Cross Motion for Summary Judgment. (nlm),(ps) (Entered: 10/17/2016)
10/17/2016	<u>37</u>	Declaration of Olton Dumas re <u>34</u> Brief in Reply in Support of <u>21</u> MOTION FOR SUMMARY JUDGMENT. (Attachments: # <u>1</u> Ex. 11A – Letter from Chloe Moore dated 5/19/15, # <u>2</u> Ex. 12 – Notes List Report, # <u>3</u> Ex. 13 – General Notes created by Chloe Moore dated 5/8/15, # <u>4</u> Ex. 14 – DOC–1305 Statement, # <u>5</u> Ex. 15 – General Notes created by Chloe Moore dated 5/28/14, # <u>6</u> Ex. 16 – Psychological Service Request) (nlm),(ps) (Entered: 10/17/2016)
10/27/2016	<u>38</u>	Letter Requesting verification of receipt of documents by Plaintiff Olton L. Dumas. (Attachments: # <u>1</u> Envelope) (elc),(ps) (Entered: 10/27/2016)
10/27/2016	<u>39</u>	Letter from clerk's office in response to <u>38</u> Letter Requesting verification of receipt of documents. (elc),(ps) (Entered: 10/27/2016)
11/02/2016	<u>40</u>	Combined Brief in Reply by Defendants Chloe Moore, Victoria L. Tucker in Support of <u>25</u> Cross Motion for Summary Judgment and Brief in Opposition to Plaintiff's <u>21</u> Motion for Summary Judgment. (Attachments: # <u>1</u> Certificate of Service) (Paulson, Rebecca),(ps) Modified docket text on 11/2/2016 (nlm). (Entered: 11/02/2016)
11/02/2016	<u>41</u>	Supplemental Declaration of Chloe Moore filed by Defendants Chloe Moore, Victoria L. Tucker re: <u>21</u> Motion for Summary Judgment, <u>25</u> Motion for Summary Judgment, (Attachments: # <u>1</u> Exhibit 1006 – Email from Moore to Drury dated 5–19–15, # <u>2</u> Exhibit 1007 – Request Slip from Dumas dated May 2015) (Paulson, Rebecca),(ps) Modified on 11/3/2016. (lak) (Entered: 11/02/2016)
11/14/2016	<u>42</u>	Notice of Change of Address to Kenosha Correctional Center by Plaintiff Olton L. Dumas. (Attachments: # <u>1</u> Envelope) (elc),(ps) (Entered: 11/14/2016)
01/27/2017	<u>43</u>	ORDER granting defendants' <u>25</u> Motion for Summary Judgment; denying plaintiff's <u>21</u> Motion for Summary Judgment and dismissing this case. The clerk of court is directed to enter judgment for defendants and close this case. Signed by District Judge James D. Peterson on 1/27/2017. (jef),(ps) (Entered: 01/27/2017)

01/27/2017	<u>44</u>	JUDGMENT entered in favor of defendants dismissing this case. Signed by Peter A. Oppeneer, Clerk of Court on 1/27/2017. (jef),(ps) (Entered: 01/27/2017)
02/13/2017	<u>45</u>	NOTICE OF APPEAL by Plaintiff Olton L. Dumas as to <u>44</u> Judgment, <u>43</u> Order. In forma pauperis pending. No Docketing Statement filed. (Attachments: # <u>1</u> Cover Letter, # <u>2</u> Envelope) (jef),(ps) (Entered: 02/13/2017)
02/13/2017	<u>46</u>	Appeal Information Packet. (jef),(ps) (Entered: 02/13/2017)