

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

THE JOHN K. MACIVER INSTITUTE)
FOR PUBLIC POLICY, INC., on behalf)
of the class it seeks to represent,)
)
Plaintiff,)

v.)

FRANCIS SCHMITZ, JOHN)
CHISHOLM, BRUCE LANDGRAF,)
DAVID ROBLES, and ROBERT)
STELTER, in their official and individual)
capacities, and **KEVIN KENNEDY,**)
SHANE FALK, and JONATHAN)
BECKER, in their individual capacities,)
)
Defendants.)

Civil Case No. 16-cv-539

DOCKETING STATEMENT OF PLAINTIFF-APPELLANT
THE JOHN K. MACIVER INSTITUTE FOR PUBLIC POLICY, INC.

Plaintiff The John K. MacIver Institute for Public Policy (“MacIver”), on behalf of itself and members of the class it seeks to represent, hereby submits this Docketing Statement pursuant to Circuit Rule 3(c)(1).

I. Subject Matter Jurisdiction of the District Court of the Western District of Wisconsin

The case arises under federal law. Plaintiff-Appellant brought this action under 18 U.S.C. § 2707, alleging that Defendants violated the Stored Communications Act, 18 U.S.C. §§ 2701-2712. The District Court exercised jurisdiction under 28 U.S.C. § 1331.

II. Subject Matter Jurisdiction of the Court of Appeals for the Seventh Circuit

Jurisdiction in the Court of Appeals for the Seventh Circuit lies under 28 U.S.C. § 1291. MacIver appeals from the District Court's final judgment dismissing its First Amended Complaint in its entirety under Fed. R. Civ. P. 12(b) and denying its motions for preliminary injunction under Fed. R. Civ. P. 65(a) and for return of property under Fed. R. Crim. P. 41(g). The District Court's judgment adjudicated all claims in this case.

MacIver seeks review of the District Court's March 20, 2017 judgment, Dkt. No. 95. MacIver timely filed its Notice of Appeal in the District Court for the Western District of Wisconsin on April 17, 2017.

This matter is not a direct appeal from a decision of a magistrate judge.

There have been no prior or related appellate proceedings in this case.

MacIver seeks relief from Defendants Special Prosecutor Francis Schmitz; Milwaukee County District Attorney John Chisholm; Milwaukee County Assistant District Attorneys Bruce Landgraf and David Robles; and Milwaukee County District Attorney's Investigator Robert Stelter in their official capacities. On information and belief, all five individuals currently occupy those offices.

Dated: April 17, 2017

Respectfully submitted,

GRAVES GARRETT, LLC

/s Edward D. Greim

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