

**U.S. District Court
Western District of Wisconsin (Madison)
CIVIL DOCKET FOR CASE #: 3:17-cv-00417-wmc**

Slater, Antwan et al v. Lerrix et al
Assigned to: District Judge William M. Conley
Referred to: Magistrate Judge Stephen L. Crocker
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 05/30/2017
Date Terminated: 06/30/2020
Jury Demand: Plaintiff
Nature of Suit: 550 Prisoner: Civil Rights
Jurisdiction: Federal Question

Plaintiff

Antwan Imob Slater

represented by **Antwan Imob Slater**
471227
John C. Burke Correctional Center
900 S. Madison St.
P.O. Box 900
Waupun, WI 53963-0900
PRO SE

V.

Defendant

Correctional Officer Lerrix

represented by **Christopher J McElgunn**
Wisconsin Department of Justice
Office of the Attorney General
17 W Main St
PO Box 7857
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608-264-6201
Fax: 608-267-8906
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LEAD ATTORNEY
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Gesina S. Carson
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Defendant

Lt. Anderson

represented by **Christopher J McElgunn**
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Gesina S. Carson
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Defendant

Capt. Pitzen

represented by **Christopher J McElgunn**
(See above for address)

*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Gesina S. Carson
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Defendant

Security Director Weber

represented by **Christopher J McElgunn**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Gesina S. Carson
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Defendant

Warden Michael Dittman

represented by **Christopher J McElgunn**
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Gesina S. Carson
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
05/30/2017	<u>1</u>	COMPLAINT against All Defendants, filed by Antwan Imob Slater. (Case randomly assigned to District Judge William M. Conley.) (Attachments: # <u>1</u> Cover Letter (with \$4.00 check enclosed), # <u>2</u> Envelope) (nln) (Entered: 05/30/2017)
05/30/2017	<u>2</u>	Motion for Leave to Proceed in forma pauperis by Plaintiff Antwan Imob Slater. (nln),(ps) (Entered: 05/30/2017)
05/30/2017	<u>3</u>	Prisoner Trust Fund Account Statement by Plaintiff Antwan Imob Slater. (nln),(ps) (Additional attachment(s) added on 5/30/2017: # <u>1</u> IPP Calculation) (nln). (Entered: 05/30/2017)
05/30/2017	<u>4</u>	ORDER on ifp request: Plaintiff Antwan Imob Slater assessed an initial partial filing fee of \$29.60 due 6/21/2017. Signed by Magistrate Judge Peter A. Oppeneer on 5/30/2017. (nln),(ps) (Entered: 05/30/2017)
05/30/2017	<u>5</u>	Letter from Clerk's Office returning \$4.00 check to CCI Business Office (cc: plaintiff). (nln),(ps) (Entered: 05/30/2017)
05/30/2017	<u>6</u>	Notice from the Clerk regarding the Prisoner E-Filing Program. (Attachments: # <u>1</u> Prisoner E-filing Information Packet) (nln),(ps) (Entered: 05/30/2017)
06/12/2017		Partial Filing fee received : \$ 29.60, receipt number 34690029144 (elc),(ps) (Entered: 06/12/2017)
06/12/2017	<u>7</u>	Warden PLRA Letter. (elc),(ps) (Entered: 06/12/2017)
10/01/2018	<u>8</u>	Notice of Change of Address to Stanley Correctional Institution, by Plaintiff Antwan Imob Slater. (Attachments: # <u>1</u> Envelope) (nln),(ps) (Entered: 10/01/2018)
06/28/2019	<u>9</u>	ORDER on Leave to Proceed: Plaintiff granted leave to proceed against Defendants Weber, Pitzen, Anderson, Michael Dittman, Lerrix. Leave to proceed denied and case

		dismissed against Jon Litscher. Materials delivered to DOJ for acceptance of service. Signed by District Judge William M. Conley on 6/28/2019. (jef),(ps) (Entered: 06/28/2019)
07/05/2019	<u>10</u>	Acceptance of Service by DOJ on behalf of Defendants Anderson, Michael Dittman, Lerrix, Pitzen, Weber. (Carson, Gesina),(ps) (Entered: 07/05/2019)
07/05/2019	<u>11</u>	Notice of Appearance filed by Gesina S. Carson for Defendants Anderson, Michael Dittman, Lerrix, Pitzen, Weber. (Attachments: # <u>1</u> Certificate of Service) (Carson, Gesina),(ps) (Entered: 07/05/2019)
07/08/2019	<u>12</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. (nln),(ps) (Entered: 07/08/2019)
07/08/2019	<u>13</u>	Notice of Appearance filed by Christopher J McElgunn for Defendants Anderson, Michael Dittman, Lerrix, Pitzen, Weber. (McElgunn, Christopher),(ps) Modified on 7/9/2019: Certificate of Service? (lak) (Entered: 07/08/2019)
08/23/2019	<u>14</u>	ANSWER by Defendants Anderson, Michael Dittman, Lerrix, Pitzen, Weber. (Attachments: # <u>1</u> Exhibit A – Renumbered Complaint and Envelope, # <u>2</u> Certificate of Service) (Carson, Gesina),(ps) Modified on 8/26/2019. (lak) (Entered: 08/23/2019)
08/23/2019		Set Telephone Pretrial Conference: Telephone Pretrial Conference set for 9/25/2019 at 01:30 PM before Magistrate Judge Stephen L. Crocker. Counsel for Defendants responsible for setting up the call to chambers at (608) 264–5153. [Notice Regarding the Telephone Preliminary Pretrial Conference attached] (nln),(ps) (Entered: 08/23/2019)
10/04/2019		Minute Entry for proceedings held before Magistrate Judge Stephen L. Crocker: Telephone Preliminary Pretrial Conference – Pro Se held on 9/25/2019 [:20] (cak),(ps) (Entered: 10/04/2019)
10/04/2019	<u>15</u>	Pretrial Conference Order – <u>Preliminary Pretrial Packet in cases assigned to District Judge William M. Conley</u> attached. Dispositive Motions for Failure to Exhaust Administrative Remedies due 11/8/2019. Dispositive Motions due 6/26/2020. Rule 26(a)(3) Disclosures and all motions in limine due 12/4/2020. Objections due 12/18/2020. Telephone Final Pretrial Conference set for 1/15/2021 at 10:00 AM. Counsel for Defendants responsible for setting up the call to chambers at (608) 264–5087. Jury Selection and Trial set for 1/25/2021 at 08:30 AM. Signed by Magistrate Judge Stephen L. Crocker on 10/1/2019. (jef),(ps) (Entered: 10/04/2019)
10/04/2019	16	** TEXT ONLY ORDER ** At the September 25, 2019 telephonic preliminary pretrial conference, the court granted the defendant's oral motion to depose plaintiff pursuant to Rule 30(a)(2)(B). Signed by Magistrate Judge Stephen L. Crocker on 10/4/2019. (jef),(ps) (Entered: 10/04/2019)
11/08/2019	<u>17</u>	MOTION FOR SUMMARY JUDGMENT for Plaintiff's Failure to Exhaust Administrative Remedies by Defendants Anderson, Michael Dittman, Lerrix, Pitzen, Weber. (Attachments: # <u>1</u> Certificate of Service) (McElgunn, Christopher),(ps) (Entered: 11/08/2019)
11/08/2019	<u>18</u>	Brief in Support of <u>17</u> Motion for Summary Judgment, by Defendants Anderson, Michael Dittman, Lerrix, Pitzen, Weber (McElgunn, Christopher),(ps) (Entered: 11/08/2019)
11/08/2019	<u>19</u>	Proposed Findings of Fact filed by Defendants Anderson, Michael Dittman, Lerrix, Pitzen, Weber re: <u>17</u> Motion for Summary Judgment, (McElgunn, Christopher),(ps) (Entered: 11/08/2019)
11/08/2019	<u>20</u>	Declaration of Emily Davidson filed by Defendants Anderson, Michael Dittman, Lerrix, Pitzen, Weber re: <u>17</u> Motion for Summary Judgment, (Attachments: # <u>1</u> Exhibit 1000– Inmate Complaint History Report, # <u>2</u> Exhibit 1001– CCI–2016–28526, # <u>3</u> Exhibit 1002– CCI–2016–28749) (McElgunn, Christopher),(ps) (Entered: 11/08/2019)

		11/08/2019)
11/08/2019	<u>21</u>	Declaration of Kimberly Murphy filed by Defendants Anderson, Michael Dittman, Lerrix, Pitzen, Weber re: <u>17</u> Motion for Summary Judgment, (Attachments: # <u>1</u> Exhibit 1003– Conduct Report 2730282) (McElgunn, Christopher),(ps) (Entered: 11/08/2019)
11/08/2019		Set Briefing Deadlines as to <u>17</u> MOTION FOR SUMMARY JUDGMENT <i>for Plaintiff's Failure to Exhaust Administrative Remedies</i> . [<u>Pro Se Summary Judgment Procedure for Cases Assigned to Judge Conley</u> attached.] Plaintiff's Brief in Opposition due 12/9/2019. Brief in Reply due 12/19/2019. (nlm),(ps) (Entered: 11/08/2019)
12/02/2019	<u>22</u>	Motion for Extension of Time by Plaintiff Antwan Imob Slater. (Attachments: # <u>1</u> Envelope) (nlm),(ps) (Entered: 12/02/2019)
12/02/2019	<u>23</u>	** TEXT ONLY ORDER ** ORDER granting <u>22</u> motion for extension of time to file response to defendants' <u>17</u> motion for summary judgment for plaintiff's failure to exhaust administrative remedies. Plaintiff's Brief in Opposition due 12/30/2019. Defendants' Brief in Reply due 1/9/2020. Signed by Magistrate Judge Stephen L. Crocker on 12/02/2019. (nlm),(ps) (Entered: 12/02/2019)
01/06/2020	<u>24</u>	Brief in Opposition by Plaintiff Antwan Imob Slater re: <u>17</u> Motion for Summary Judgment, filed by Pitzen, Anderson, Michael Dittman, Weber, Lerrix. (Attachments: # <u>1</u> Certificate of Service, # <u>2</u> Envelope) (nlm),(ps) (Entered: 01/06/2020)
01/06/2020	<u>25</u>	Response to Proposed Findings of Fact filed by Plaintiff Antwan Imob Slater re: <u>17</u> Motion for Summary Judgment. (nlm),(ps) (Entered: 01/06/2020)
01/06/2020	<u>26</u>	Declaration of Antwan Slater in Support of <u>24</u> Brief in Opposition to <u>17</u> MOTION FOR SUMMARY JUDGMENT <i>for Plaintiff's Failure to Exhaust Administrative Remedies</i> . (Attachments: # <u>1</u> Exhibit 1 – Notice of Inmate Placed in Temporary Lockup, # <u>2</u> Exhibit 2 – Adult Conduct Report, # <u>3</u> Exhibit 3 – Letter to Disciplinary Committee/Officer from Cordell Peetz, Advocate dated 10/12/16, # <u>4</u> Exhibit 4 – Major Disciplinary Hearing Reasons for Decision and Evidence Relied On, # <u>5</u> Exhibit 5 – Appeal of a Contested Hearing, # <u>6</u> Exhibit 6 – Major Disciplinary Hearing Reasons for Decision and Evidence Relied On, # <u>7</u> Exhibit 7 – Information Request, # <u>8</u> Exhibit 8 – ICE Rejection Complaint Number CCI–2016–28526) (nlm),(ps) (Entered: 01/06/2020)
01/06/2020		Reset Briefing Deadlines as to <u>17</u> MOTION FOR SUMMARY JUDGMENT <i>for Plaintiff's Failure to Exhaust Administrative Remedies</i> . Defendants' Brief in Reply due 1/16/2020. (nlm),(ps) (Entered: 01/06/2020)
01/16/2020	<u>27</u>	Disregard. Modified on 1/16/2020. (kwf) (Entered: 01/16/2020)
01/16/2020	<u>28</u>	Disregard. Modified on 1/16/2020. (kwf) (Entered: 01/16/2020)
01/16/2020	<u>29</u>	Brief in Reply by Defendants Anderson, Michael Dittman, Lerrix, Pitzen, Weber in Support of <u>17</u> Motion for Summary Judgment, (Attachments: # <u>1</u> Certificate of Service) (McElgunn, Christopher),(ps) (Entered: 01/16/2020)
01/16/2020	<u>30</u>	Reply in Support of Proposed Findings of Fact filed by Defendants Anderson, Michael Dittman, Lerrix, Pitzen, Weber re: <u>17</u> Motion for Summary Judgment, (McElgunn, Christopher),(ps) (Entered: 01/16/2020)
05/01/2020	<u>31</u>	Notice of Change of Address to John Burke Correctional Center, by Plaintiff Antwan Imob Slater. (Attachments: # <u>1</u> Envelope) (nlm),(ps) (Entered: 05/01/2020)

06/10/2020	<u>32</u>	Motion to Stay <i>Dispositive Motion Deadline</i> by Defendants Anderson, Michael Dittman, Lerrix, Pitzen, Weber. (Attachments: # <u>1</u> Certificate of Service) (McElgunn, Christopher),(ps) (Entered: 06/10/2020)
06/11/2020	<u>33</u>	** TEXT ONLY ORDER ** ORDER granting <u>32</u> Motion to Stay Dispositive Motion Deadline. Signed by Magistrate Judge Stephen L. Crocker on 6/11/2020. (nlm),(ps) (Entered: 06/11/2020)
06/12/2020	<u>34</u>	Expert Witness Disclosures by Defendants Anderson, Michael Dittman, Lerrix, Pitzen, Weber (Attachments: # <u>1</u> Certificate of Service) (McElgunn, Christopher),(ps) (Entered: 06/12/2020)
06/30/2020	<u>35</u>	ORDER granting <u>17</u> Motion for Summary Judgment. Plaintiff's claims in this lawsuit are DISMISSED without prejudice. Signed by District Judge William M. Conley on 6/30/2020. (jef),(ps) (Entered: 06/30/2020)
06/30/2020	<u>36</u>	JUDGMENT entered in favor of defendants dismissing this case without prejudice. (jef),(ps) (Entered: 06/30/2020)
07/27/2020	<u>37</u>	Motion to Alter or Amend Judgment by Plaintiff Antwan Imob Slater. (Attachments: # <u>1</u> Certificate of Service, # <u>2</u> Envelope) (aom),(ps) (Entered: 07/27/2020)
07/27/2020		Set/Reset Deadlines as to <u>37</u> Motion to Alter or Amend Judgment. Defendant's Brief in Opposition due 8/17/2020. Plaintiff's Brief in Reply due 8/27/2020. (aom),(ps) (Entered: 07/27/2020)
08/17/2020	<u>38</u>	Brief in Opposition by Defendants Anderson, Michael Dittman, Lerrix, Pitzen, Weber re: <u>37</u> Motion to Alter or Amend Judgment filed by Antwan Imob Slater (Attachments: # <u>1</u> Certificate of Service) (McElgunn, Christopher),(ps) (Entered: 08/17/2020)
08/27/2020	<u>39</u>	Brief in Reply by Plaintiff Antwan Imob Slater in Support of <u>37</u> Motion to Alter or Amend Judgment (Attachments: # <u>1</u> Envelope) (aom),(ps) (Entered: 08/27/2020)
03/01/2021	<u>40</u>	ORDER denying <u>37</u> Plaintiff's Motion to Alter or Amend Judgment. Signed by District Judge William M. Conley on 3/1/2021. (lam),(ps) (Entered: 03/01/2021)
03/19/2021	<u>41</u>	Letter Requesting In Forma Pauperis Appeal Forms by Plaintiff Antwan Imob Slater. IFP Forms Mailed. (Attachments: # <u>1</u> Envelope) (aom),(ps) (Entered: 03/19/2021)
03/31/2021	<u>42</u>	NOTICE OF APPEAL by Plaintiff Antwan Imob Slater as to <u>35</u> Order on Motion for Summary Judgment, <u>36</u> Judgment. \$505 fee or motion for ifp due. Docketing Statement filed. (Attachments: # <u>1</u> Envelope) (aom),(ps) (Entered: 03/31/2021)
03/31/2021	<u>43</u>	Motion for Leave to Proceed in forma pauperis on Appeal by Plaintiff Antwan Imob Slater. (aom),(ps) (Entered: 03/31/2021)
03/31/2021	<u>44</u>	Prisoner Trust Fund Account Statement by Plaintiff Antwan Imob Slater (Attachments: # <u>1</u> IPP Calculation) (aom),(ps) (Entered: 03/31/2021)
03/31/2021	<u>45</u>	Declaration of Inmate Filing by Antwan Slater re <u>44</u> Prisoner Trust Fund Account Statement, <u>42</u> Notice of Appeal, <u>43</u> Motion for Leave to Proceed in forma pauperis on Appeal (aom),(ps) (Entered: 03/31/2021)
03/31/2021	<u>46</u>	Appeal Information Packet. (aom),(ps) (Entered: 03/31/2021)