

**U.S. District Court
Western District of Wisconsin (Madison)
CIVIL DOCKET FOR CASE #: 3:17-cv-00545-jdp**

Campos, Efrain et al v. Dittman, Michael et al
Assigned to: District Judge James D. Peterson
Referred to: Magistrate Judge Stephen L. Crocker
Case in other court: Seventh Circuit Court of Appeals,
18-01437

Date Filed: 07/14/2017
Date Terminated: 02/06/2018
Jury Demand: Plaintiff
Nature of Suit: 550 Prisoner: Civil Rights
Jurisdiction: Federal Question

Cause: 42:1983 Prisoner Civil Rights

Plaintiff

Efrain Campos

represented by **Efrain Campos**
374541
Columbia Correctional Institution
2925 Columbia Drive
P.O. Box 900
Portage, WI 53901-0900
PRO SE

Plaintiff

Robert Wirth

TERMINATED: 10/31/2017

represented by **Robert Wirth**
102154
Wisconsin Resource Center
1505 North Dr.
P.O. Box 220
Winnebago, WI 54985-0220
PRO SE

Plaintiff

Juan Nieto

represented by **Juan Nieto**
490558
Stanley Correctional Institution
100 Corrections Dr.
Stanley, WI 54768-6500
PRO SE

Plaintiff

Stanley Newago

represented by **Stanley Newago**
344850
Stanley Correctional Institution
100 Corrections Dr.
Stanley, WI 54768-6500
PRO SE

V.

Defendant

Michael Dittman

represented by **Corey Francis Finkelmeyer**
Wisconsin Department of Justice
17 W. Main Street
P.O. Box 7857
Madison, WI 53707-7857
(608) 266-7342
Fax: (608) 267-8906
Email: federalorderscl@doj.state.wi.us
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Alsum O'Donovan, Linda****Defendant****David Kurkowski****Defendant****Lucas M. Weber****Defendant****Kevin W. Pitzen****Defendant****Brad Homre****Defendant****Cindy O'Donnell****E-filing Institution****CCI Prison Facility**

Date Filed	#	Docket Text
07/14/2017	<u>1</u>	COMPLAINT against All Defendants, filed by Efrain Campos, Robert Wirth, Juan Nieto, Stanley Newago. (Case non-randomly assigned to District Judge James D. Peterson.) (Attachments: # <u>1</u> Envelope) (jef) For signatures see; Juan Nieto at dkt. <u>10</u> , Stanley Nieto at dkt. <u>13</u> , Robert Wirth at dkt. <u>16</u> . (jef). (Entered: 07/14/2017)
07/14/2017	<u>2</u>	Motion for Certificate for the Class by Plaintiff Efrain Campos. (jef),(ps) For signatures see; Juan Nieto at dkt. <u>11</u> , Stanley Nieto at dkt. <u>14</u> , Robert Wirth at dkt. <u>17</u> . (jef). (Entered: 07/14/2017)
07/14/2017	<u>3</u>	Motion for Appointment of Class Counsel by Plaintiff Efrain Campos. (jef),(ps) For signatures see; Juan Nieto at dkt. <u>12</u> , Stanley Nieto at dkt. <u>15</u> , Robert Wirth at dkt. <u>18</u> . (jef). (Entered: 07/14/2017)
07/14/2017	<u>4</u>	Notice from the Clerk regarding the Prisoner E-Filing Program. (Attachments: # <u>1</u> Prisoner E-Filing Information Packet) (jef),(ps) (Entered: 07/14/2017)
07/14/2017	<u>5</u>	Letter from Clerk's Office returning dkt. <u>1</u> , <u>2</u> , <u>3</u> to plaintiff Robert Wirth for signature. (jef),(ps) (Entered: 07/14/2017)
07/14/2017	<u>6</u>	Letter from Clerk's Office returning dkt. <u>1</u> , <u>2</u> , <u>3</u> to plaintiff Juan Nieto for signature. (jef),(ps) (Entered: 07/14/2017)
07/14/2017	<u>7</u>	Letter from Clerk's Office returning dkt. <u>1</u> , <u>2</u> , <u>3</u> to plaintiff Stanley Newago for signature. (jef),(ps) (Entered: 07/14/2017)
07/20/2017	<u>8</u>	ORDER directing plaintiffs to each submit \$400 filing fee or motion for ifp and Trust Fund Account Statement due 8/11/2017. Signed by Magistrate Judge Peter A. Oppeneer on 7/20/2017. (jef),(ps) (Entered: 07/20/2017)
07/24/2017	<u>9</u>	Letter regarding change of address to Stanley Correctional Institution by Plaintiff Juan Nieto. (Attachments: # <u>1</u> Envelope) (jef),(ps) (Entered: 07/24/2017)
07/24/2017	<u>10</u>	Signed copy of <u>1</u> Complaint filed by Juan Nieto. (jef),(ps) (Entered: 07/24/2017)
07/24/2017	<u>11</u>	Signed copy of <u>2</u> Motion for Certificate for the Class filed by Juan Nieto. (jef),(ps) (Entered: 07/24/2017)

07/24/2017	<u>12</u>	Signed copy <u>3</u> Motion for Appointment of Class Counsel filed by Juan Nieto. (jef),(ps) (Entered: 07/24/2017)
07/24/2017	<u>13</u>	Signed copy of <u>1</u> Complaint filed by Stanley Newago. (Attachments: # <u>1</u> Envelope) (jef),(ps) (Entered: 07/24/2017)
07/24/2017	<u>14</u>	Signed copy of <u>2</u> Motion for Certificate for the Class filed by Stanley Newago. (jef),(ps) (Entered: 07/24/2017)
07/24/2017	<u>15</u>	Signed copy of <u>3</u> Motion for Appointment of Class Counsel filed by Stanley Newago. (jef),(ps) (Entered: 07/24/2017)
07/27/2017	<u>16</u>	Signed copy of <u>1</u> Complaint filed by Robert Wirth. (jef),(ps) (Entered: 07/27/2017)
07/27/2017	<u>17</u>	Signed copy of <u>2</u> Motion for Certificate for the Class filed by Robert Wirth. (jef),(ps) (Entered: 07/27/2017)
07/27/2017	<u>18</u>	Signed copy of <u>3</u> Motion for Appointment of Class Counsel filed by Robert Wirth. (jef),(ps) (Entered: 07/27/2017)
07/27/2017	<u>19</u>	Notice of Change of Address by Plaintiff Robert Wirth. (Attachments: # <u>1</u> Envelope) (jef),(ps) (Entered: 07/27/2017)
07/31/2017	<u>20</u>	Motion for Leave to Proceed in forma pauperis by Plaintiff Efrain Campos. (Attachments: # <u>1</u> Envelope) (nln),(ps) (Entered: 07/31/2017)
07/31/2017	<u>21</u>	Prisoner Trust Fund Account Statement by Plaintiff Efrain Campos. (nln),(ps) (Entered: 07/31/2017)
08/03/2017	<u>22</u>	Motion for Leave to Proceed in forma pauperis by Plaintiff Stanley Newago. (Attachments: # <u>1</u> Envelope) (jef),(ps) (Entered: 08/03/2017)
08/03/2017	<u>23</u>	Prisoner Trust Fund Account Statement by Plaintiff Stanley Newago. (jef),(ps) (Additional attachment(s) added on 8/3/2017: # <u>1</u> IPP Calculation) (jef). (Entered: 08/03/2017)
08/04/2017	<u>24</u>	ORDER on ifp request: Plaintiff Efrain Campos's motion to proceed without prepayment of the filing fee, dkt. <u>20</u> , is DENIED. Full \$400 filing fee due 8/23/2017. Signed by Magistrate Judge Peter A. Oppeneer on 8/4/2017. (nln),(ps) (Entered: 08/04/2017)
08/04/2017	<u>25</u>	Letter from Plaintiff Efrain Campos re <u>8</u> order directing plaintiffs to each submit \$400 or motion for ifp and trust fund account statement. (Attachments: # <u>1</u> Envelope) (nln),(ps) (Entered: 08/04/2017)
08/04/2017	<u>26</u>	ORDER on ifp request: Plaintiff's Stanley Newago's initial partial filing fee of \$ 235.10 assessed. Newago's initial partial filing fee due 8/28/2017. Signed by Magistrate Judge Peter A. Oppeneer on 8/4/2017. (jef),(ps) (Entered: 08/04/2017)
08/10/2017	<u>27</u>	Motion for Leave to Proceed in forma pauperis by Plaintiff Juan Nieto. (Attachments: # <u>1</u> Envelope) (nln),(ps) (Entered: 08/10/2017)
08/10/2017	<u>28</u>	Prisoner Trust Fund Account Statement by Plaintiff Juan Nieto. (nln),(ps) (Entered: 08/10/2017)
08/10/2017	<u>29</u>	ORDER on ifp request: Plaintiff Juan Nieto assessed an initial partial filing fee of \$350.00 due 9/1/2017. Signed by Magistrate Judge Peter A. Oppeneer on 8/10/2017. (nln),(ps) (Entered: 08/10/2017)
08/28/2017		Initial Partial Filing fee received from Stanley Newago: \$ 235.10, receipt number 34690029738. (jef),(ps) (Entered: 08/29/2017)
08/29/2017	<u>30</u>	Warden PLRA Letter as to Stanley Newago. (jef),(ps) (Entered: 08/29/2017)
09/05/2017		Filing fee received by Plaintiff Juan Nieto: \$ 350, receipt number 34690029811. (elc),(ps) (Entered: 09/05/2017)
09/11/2017	<u>31</u>	Motion for use of release account funds to pay remaining balance of filing fee (unsigned) filed by Plaintiff Stanley Newago. (See dkt. <u>34</u> for signed copy.)

		(Attachments: # <u>1</u> Envelope) (nln),(ps) (Entered: 09/11/2017)
09/12/2017	<u>32</u>	Letter from clerk's office returning <u>31</u> motion for plaintiff Newago's signature. (nln),(ps) (Entered: 09/12/2017)
09/15/2017	<u>33</u>	ORDER denying <u>25</u> Motion for reconsideration, <u>31</u> Motion for Use of Release Account Funds. Plaintiffs Campos and Wirth have until 10/5/17 to respond to this order on whether they wish to pursue this case. Signed by Magistrate Judge Peter A. Oppeneer on 9/15/2017. (nln),(ps) (Entered: 09/15/2017)
09/20/2017	<u>34</u>	Signed copy of <u>31</u> motion for use of release account funds to pay remaining balance of filing fee by Stanley Newago. (Attachments: # <u>1</u> Envelope) (nln),(ps) (Entered: 09/20/2017)
10/02/2017		Filing fee received from Plaintiff Efrain Campos: \$400.00, receipt number 34690030018. (nln),(ps) (Entered: 10/02/2017)
10/11/2017	<u>35</u>	Motion for Reconsideration re <u>33</u> Order by Plaintiff Efrain Campos. (Attachments: # <u>1</u> Cover Letter) (jef),(ps) (Entered: 10/11/2017)
10/31/2017	<u>36</u>	ORDER dismissing <u>1</u> Complaint pursuant to Fed. R. Civ. P. 8. (Amendments to Pleadings due 11/21/2017.) Plaintiff Robert Wirth is DISMISSED from this action. Plaintiff(s) <u>35</u> Motion for Reconsideration and <u>20</u> Motion for Leave to Proceed in forma pauperis, <u>2</u> Motion to Certify Class under Rule 23 and <u>3</u> Motion for Assistance in Recruiting Counsel are DENIED. Signed by District Judge James D. Peterson on 10/31/2017. (jef),(ps) (Entered: 10/31/2017)
11/17/2017	<u>37</u>	Motion to Certify Class by Plaintiff Efrain Campos. (elc),(ps) (Entered: 11/17/2017)
11/17/2017	<u>38</u>	Proposed Amended Class Action Complaint by Plaintiff Efrain Campos. (elc),(ps) (Entered: 11/17/2017)
11/27/2017	<u>39</u>	Motion for Extension of Time to review facts of complaint and to have court documents printed in Spanish by Plaintiff Juan Nieto. (Attachments: # <u>1</u> Envelope) (elc),(ps) (Entered: 11/27/2017)
12/01/2017	<u>40</u>	ORDER denying <u>37</u> Motion to Certify Class under Rule 23; granting <u>39</u> Motion for Extension of Time. Amended Complaint due 12/22/2017. Signed by District Judge James D. Peterson on 12/1/2017. (jef),(ps) (Entered: 12/01/2017)
12/27/2017	<u>41</u>	Renewed Motion to Use Release Account Funds to Pay Filing Fee by Plaintiff Stanley Newago. (Attachments: # <u>1</u> Envelope) (nln),(ps) (Entered: 12/27/2017)
12/27/2017	<u>42</u>	Second Motion to Certify Class by Plaintiffs Efrain Campos, Stanley Newago, Juan Nieto. (Attachments: # <u>1</u> Envelope) (nln),(ps) (Entered: 12/27/2017)
12/27/2017	<u>43</u>	Second Proposed Amended Class Action Complaint by Plaintiffs Efrain Campos, Stanley Newago, Juan Nieto. (nln),(ps) (Entered: 12/27/2017)
12/27/2017	<u>44</u>	Notice by Plaintiff Juan Nieto re Filing of <u>42</u> Second Motion to Certify Class, <u>43</u> Second Proposed Amended Class Action Complaint. (nln),(ps) (Entered: 12/27/2017)
12/28/2017	<u>45</u>	MOTION FOR PRELIMINARY INJUNCTION by Plaintiff Juan Nieto. (Attachments: # <u>1</u> Property Disposition, # <u>2</u> Envelope) (nln),(ps) (Entered: 12/28/2017)
01/29/2018	<u>46</u>	ORDER that plaintiff Juan Nieto's motion for injunctive relief, No. 16-cv-163, Dkt. 52, and No. 17-cv-545, Dkt. 45, is DENIED. Signed by District Judge James D. Peterson on 1/29/2018. (jef),(ps) (Entered: 01/29/2018)
02/06/2018	<u>47</u>	ORDER that plaintiffs Efrain Campos, Juan Nieto, and Stanley Newago are DENIED leave to proceed on their claims against defendants, and the complaint is DISMISSED with prejudice for failure to state a claim upon which relief can be granted. Plaintiffs' motion for class certification, Dkt. <u>42</u> , is DENIED as moot. Newago's motion to use release account funds to pay the remainder of his filing fee, Dkt. <u>41</u> , is DENIED. The

		clerk of court is directed to close this case. Signed by District Judge James D. Peterson on 2/6/2018. (jef),(ps) (Entered: 02/06/2018)
02/06/2018	<u>48</u>	JUDGMENT entered dismissing this case with prejudice. Signed by Peter A. Oppeneer, Clerk of Court on 2/6/2018. (jef),(ps) (Entered: 02/06/2018)
02/08/2018	<u>49</u>	Letter from plaintiff Stanley Newago. (Attachments: # <u>1</u> Envelope) (jef),(ps) (Entered: 02/08/2018)
02/08/2018	<u>50</u>	Letter from Clerk's Office in response to <u>49</u> letter from plaintiff Stanley Newago. (jef),(ps) (Entered: 02/08/2018)
02/26/2018	<u>51</u>	NOTICE OF APPEAL by Plaintiff Efrain Campos as to <u>47</u> Order, <u>48</u> Judgment. Filing fee not paid. No Docketing Statement filed. (jef),(ps) (Entered: 02/26/2018)
02/26/2018	<u>52</u>	Appeal Information Packet. (jef),(ps) (Entered: 02/26/2018)
02/26/2018	<u>53</u>	Transmission of Notice of Appeal, Docket Sheet and Judgment to Seventh Circuit Court of Appeals re <u>51</u> Notice of Appeal. (Attachments: # <u>1</u> Order, # <u>2</u> Judgment, # <u>3</u> Docket sheet) (jef),(ps) (Entered: 02/26/2018)
02/27/2018		USCA Case Number 18-1437 for <u>51</u> Notice of Appeal filed by Efrain Campos. (jef),(ps) Corrected case number on 2/28/2018 (jef). (Entered: 02/27/2018)
03/07/2018	<u>54</u>	Court Reporter Certification of Seventh Circuit Transcript Information Sheet re <u>51</u> Notice of Appeal. (jef),(ps) (Entered: 03/07/2018)
03/08/2018	<u>55</u>	Court Reporter Certification of Seventh Circuit Transcript Information Sheet re <u>51</u> Notice of Appeal. (elc),(ps) (Entered: 03/08/2018)
03/12/2018	<u>56</u>	NOTICE OF APPEAL by Plaintiff Juan Nieto as to <u>47</u> Order, <u>48</u> Judgment. Fee or motion for leave to proceed in forma pauperis due. No Docketing Statement filed. (Attachments: # <u>1</u> Certificate of Service, # <u>2</u> Envelope) (jef),(ps) (Entered: 03/12/2018)
03/12/2018	<u>57</u>	Appeal Information Packet. (jef),(ps) (Entered: 03/12/2018)