

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
WISCONSIN

Dennis Lee Hohol v. Dylan Radtke

Hohol · No. 25-cv-2049-bhl · Decided February 25, 2026

SUMMARY

The United States District Court for the Eastern District of Wisconsin denied Dennis Lee Hohol’s motion for reconsideration of the dismissal of his 28 U.S.C. § 2254 habeas petition as an improper successive petition. The court concluded that Hohol had not shown newly discovered evidence, manifest error, or any other basis for relief under Federal Rules of Civil Procedure 59(e) or 60(b).

CASE DETAILS

COURT	United States District Court for the Eastern District of Wisconsin
WRITING FOR THE COURT	Brett H. Ludwig
JURISDICTION	United States District Court for the Eastern District of Wisconsin
DECIDED	February 25, 2026
DOCKET	25-cv-2049-bhl
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner sought reconsideration of the district court's dismissal of his 28 U.S.C. § 2254 habeas petition as an unauthorized successive petition.
STANDARD OF REVIEW	A Rule 59(e) motion may be granted only upon a clear showing of newly discovered evidence or a manifest error of law or fact. Rule 60(b) relief is an extraordinary remedy available only for specified grounds, including mistake, newly discovered evidence, fraud, or another circumstance justifying relief.
PRECEDENTIAL VALUE	Unknown; the opinion is an unpublished district court order.
PARTIES	Dennis Lee Hohol v. Dylan Radtke

TOPICS

- federal habeas corpus
- successive petitions
- motion for reconsideration
- post-conviction relief
- appellate procedure

PRACTICE AREAS

Federal habeas corpus

Post-conviction relief

Civil procedure

Appellate procedure

QUESTIONS PRESENTED

1. Whether Hohol's motion for reconsideration could be granted under Federal Rule of Civil Procedure 59(e) based on newly discovered evidence or manifest error.
2. Whether Hohol was entitled to extraordinary relief under Federal Rule of Civil Procedure 60(b).
3. Whether the court's dismissal of Hohol's unauthorized successive § 2254 petition should be reconsidered.

HOLDINGS

1. A Rule 59(e) motion must be denied when the movant fails to clearly establish newly discovered evidence or a manifest error of law or fact.
2. Rule 60(b) relief was unavailable because Hohol established none of the rule's enumerated grounds or other special circumstances warranting extraordinary relief.
3. The court would not reconsider its dismissal because Hohol had not shown that his petition was not successive or that he had obtained the authorization required for a new § 2254 petition.

KEY QUOTATIONS

“A manifest error of law “is not demonstrated by the disappointment of the losing party. It is the ‘wholesale disregard, misapplication, or failure to recognize controlling precedent.’””

“Rule 60(b) is an extraordinary remedy “designed to address mistakes attributable to special circumstances and not merely to erroneous applications of law.””

FACTUAL BACKGROUND

Hohol filed a federal habeas petition under 28 U.S.C. § 2254 challenging Waukesha County convictions. He had previously filed at least two § 2254 petitions challenging the same convictions and did not obtain authorization from the Seventh Circuit before filing the new petition. After the court dismissed the petition as successive, Hohol moved for reconsideration but identified no newly discovered evidence, manifest error, or other qualifying basis for relief.

PROCEDURAL HISTORY

The court previously screened and dismissed Hohol's habeas petition because he had filed at least two earlier § 2254 petitions challenging the same convictions and had not obtained authorization from the Seventh Circuit to file a successive petition. Hohol moved for reconsideration, invoking General Local Rule 72. The court treated the motion under Federal Rules of Civil Procedure 59(e) or 60(b) and denied it.

DISPOSITION

other

CASES CITED

- Hohol v. Dittman, No. 14-cv-81-bbc, 2014 WL 1017859 (W.D. Wis. Mar. 17, 2014)
- Hohol v. Meisner, No. 19-cv-993-bbc, 2020 WL 2747742 (W.D. Wis. May 27, 2020)
- Mares v. Busby, 34 F.3d 533, 535 (7th Cir. 1994)
- Russell v. Delco Remy Division of General Motors Corp., 51 F.3d 746, 749 (7th Cir. 1995)
- Harrington v. City of Chicago, 433 F.3d 542, 546 (7th Cir. 2006)
- Oto v. Metropolitan Life Insurance Co., 224 F.3d 601, 606 (7th Cir. 2000)
- Sedrak v. Callahan, 987 F. Supp. 1063, 1069 (N.D. Ill. 1997)
- Eskridge v. Cook County, 577 F.3d 806, 809 (7th Cir. 2009)

OPINION

Hohol

PER CURIAM.

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WISCONSIN

DENNIS LEE HOHOL,

Petitioner, v. Case No. 25-cv-2049-bhl

DYLON RADTKE,

Respondent.

ORDER DENYING PETITIONER'S MOTION FOR RECONSIDERATION

On February 5, 2026, the Court screened and dismissed Petitioner Dennis Lee Hohol's petition for writ of habeas corpus under 28 U.S.C. Section 2254, concluding that it was an improper successive petition. (ECF No. 7.) Hohol filed at least two prior petitions for writ of habeas corpus under 28 U.S.C. §2254 in the Western District of Wisconsin challenging the same Waukesha County convictions. See *Hohol v. Dittman*, No. 14-cv-81-bbc, 2014 WL 1017859 (W.D. Wis. Mar. 17, 2014); *Hohol v. Meisner*, No. 19-cv-993-bbc, 2020 WL 2747742 (W.D. Wis. May 27, 2020). As a result, under The Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA), Hohol was required to receive authorization from the Seventh Circuit Court of Appeals before filing a new petition. (ECF No. 7 at 3.) As the Court explained, because he did not do so, this Court lacked jurisdiction to entertain his latest petition under Rule 9 of the Rules Governing 2254 Cases and 28 U.S.C. §2244(b)(3)(A) and was compelled to dismiss it. (*Id.*) Hohol has now filed a motion for reconsideration. (ECF No. 9.) Hohol invokes General Local Rule 72, but it relates to the authority of magistrate judges and has no application here. Indeed, the Federal Rules of Civil Procedure do not authorize motions to reconsider, but the Seventh Circuit has instructed district courts to consider such motions under Rules 59(e) or 60(b). See, e.g., *Mares v. Busby*, 34 F.3d 533, 535 (7th

Cir. 1994). Regardless of which rule the Court applies, Hohol's motion must be denied. Rule 59(e) "enables a district court to correct its own errors, sparing the parties and the appellate courts the burden of unnecessary appellate proceedings." *Russell v. Delco Remy Div. of Gen. Motors Corp.*, 51 F.3d 746, 749 (7th Cir. 1995). A Rule 59(e) motion may be granted only if a party can "clearly establish" either newly discovered evidence or a manifest error of law or fact warranting relief. *Harrington v. City of Chicago*, 433 F.3d 542, 546 (7th Cir. 2006) (citation omitted). A manifest error of law "is not demonstrated by the disappointment of the losing party. It is the 'wholesale disregard, misapplication, or failure to recognize controlling precedent.'" *Oto v. Metro. Life Ins. Co.*, 224 F.3d 601, 606 (7th Cir. 2000) (quoting *Sedrak v. Callahan*, 987 F. Supp. 1063, 1069 (N.D. Ill. 1997)). Hohol has not demonstrated that he is entitled to relief as he has not shown that his petition is not a successive petition. It is well settled that a party's disagreement with the Court's analysis is not a sufficient basis for granting a Rule 59(e) motion. Rule 60(b) is an extraordinary remedy "designed to address mistakes attributable to special circumstances and not merely to erroneous applications of law." *Eskridge v. Cook Cnty.*, 577 F.3d 806, 809 (7th Cir. 2009) (citation omitted). Rule 60(b) allows relief based on any of six enumerated reasons, including mistake, inadvertence, newly discovered evidence, fraud, or any other reason that justifies relief. Fed. R. Civ. P. 60(b). None of these reasons is present here. Accordingly, IT IS HEREBY ORDERED that Hohol's Motion for Reconsideration, ECF No. 9, is DENIED. Dated at Milwaukee, Wisconsin on February 25, 2026. s/ Brett H. Ludwig
BRETT H. LUDWIG
United States District Judge