

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PRECEDENTIAL VALUE	Unknown; the opinion is an unpublished district court order.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)

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