

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
WISCONSIN

Ray L. Stevenson v. John Luetcher, John Richard Fiske, Scott
Asplung, City of Green Bay, Tom Molitor, and Brown County

Stevenson · No. 25-CV-126-JPS · Decided December 16, 2025

SUMMARY

The United States District Court for the Eastern District of Wisconsin denied Ray L. Stevenson’s motion for reconsideration, motion to reopen the time to appeal, and motion to proceed on appeal without prepayment of the filing fee. The court held that the requests were untimely under Federal Rule of Appellate Procedure 4 and certified that the appeal was not taken in good faith because the underlying claims were barred by Heck v. Humphrey.

CASE DETAILS

COURT	United States District Court for the Eastern District of Wisconsin
WRITING FOR THE COURT	J. P. Stadtmueller
JURISDICTION	United States District Court for the Eastern District of Wisconsin
DECIDED	December 16, 2025
DOCKET	25-CV-126-JPS
DISPOSITION	other
PROCEDURAL POSTURE	Post-judgment order denying the plaintiff’s second motion for reconsideration, motion to reopen the time to appeal, and motion to proceed on appeal without prepayment of the filing fee.
STANDARD OF REVIEW	The court applied the timeliness requirements of Federal Rule of Appellate Procedure 4(a)(5) and 4(a)(6) and determined whether the proposed appeal was taken in good faith under 28 U.S.C. § 1915(a)(3).
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Ray L. Stevenson v. John Luetcher, John Richard Fiske, Scott Asplung, City of Green Bay, Tom Molitor, Brown County

TOPICS

- motion for reconsideration
- appellate procedure
- appellate jurisdiction
- section 1983
- civil procedure

PRACTICE AREAS

civil procedure

appellate procedure

civil rights

prisoner civil rights

QUESTIONS PRESENTED

1. Whether the court should reconsider and reinstate the previously dismissed civil action.
2. Whether the court could extend the time to appeal under Federal Rule of Appellate Procedure 4(a)(5) when the motion was filed after the sixty-day deadline.
3. Whether the court could reopen the time to appeal under Rule 4(a)(6) when the motion was filed more than fourteen days after the latest assumed receipt of notice and after the applicable deadline.
4. Whether Stevenson could proceed on appeal without prepaying the filing fee when the court certified that the appeal was not taken in good faith.

HOLDINGS

1. The court denied Stevenson's second motion for reconsideration and declined to reinstate the action for the reasons stated in its prior order.
2. The court could not extend the appeal period because Stevenson did not file his motion within the time permitted by Rule 4(a)(5)(A).
3. The court denied the motion to reopen the appeal period because it was untimely under Rule 4(a)(6).
4. The court certified that Stevenson's appeal was not taken in good faith and denied his motion to proceed without prepayment of the appellate filing fee.

KEY QUOTATIONS

"If the motion [for extension of time to appeal] is not timely made, the district court is not authorized to grant an extension of the appeal period."

"To determine whether Plaintiff takes the appeal in "good faith," the Court must determine whether "a reasonable person could suppose that the appeal has some merit.""

"As applied here, the Court finds that Plaintiff's appeal is not taken in good faith."

FACTUAL BACKGROUND

Stevenson, formerly confined at Shawano County Jail, brought a pro se § 1983 action against several individuals and governmental entities. The district court had previously dismissed the action without prejudice as Heck-barred. Stevenson claimed that address changes and homelessness affected his receipt of the order denying reconsideration, but he filed his motion to reopen after the applicable deadlines.

PROCEDURAL HISTORY

Stevenson filed a pro se 42 U.S.C. § 1983 complaint alleging constitutional and state-law violations. The court screened the complaint, dismissed it without prejudice as barred by Heck v. Humphrey, entered judgment, and denied an initial motion for reconsideration. After filing a notice of appeal, Stevenson moved for

reconsideration, to reopen the appeal period, and to proceed without prepaying the appellate filing fee. The district court denied all three motions.

DISPOSITION

other

CASES CITED

- Heck v. Humphrey, 512 U.S. 477 (1994)
- Harvey v. Gramley, 37 F.3d 1501 (7th Cir. 1994)
- Walker v. O'Brien, 216 F.3d 626, 632 (7th Cir. 2000)
- Lee v. Clinton, 209 F.3d 1025, 1026 (7th Cir. 2000)

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