

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WISCONSIN

Shaun P. Duerr, individually and as next friend of N.D., a minor v.
Wisconsin Office of Lawyer Regulation, Deputy Director Francis
Sullivan and Intake Coordinator Emma Babler

No. 25-cv-1071-WMC · No. 25-cv-1071-WMC · Decided January 28, 2026

SUMMARY

The United States District Court for the Western District of Wisconsin dismissed Shaun Duerr’s claims against the Wisconsin Office of Lawyer Regulation and two officials arising from the dismissal of his complaints against a guardian ad litem. The court held that the allegations failed to state claims under 42 U.S.C. § 1983, the ADA, or the Rehabilitation Act, and that the requested relief raised federalism and comity concerns warranting abstention. The court dismissed the complaint without leave to amend and directed the clerk to close the case.

CASE DETAILS

COURT	United States District Court for the Western District of Wisconsin
WRITING FOR THE COURT	William M. Conley
JURISDICTION	United States District Court for the Western District of Wisconsin
DECIDED	January 28, 2026
DOCKET	25-cv-1071-WMC
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court sua sponte screened a fee-paid complaint before service and dismissed it for failure to state a federal claim and on abstention grounds.
STANDARD OF REVIEW	On sua sponte review, the court accepted the allegations as true and construed them generously under a less stringent standard than that applicable to a lawyer-drafted complaint, while determining whether the complaint stated a federal claim upon which relief could be granted.
PRECEDENTIAL VALUE	unpublished, nonprecedential district court opinion
PARTIES	Shaun P. Duerr, individually and as next friend of N.D., a minor v. Wisconsin Office of Lawyer Regulation, Deputy Director Francis

TOPICS

civil procedure section 1983 due process comity ada / disability

PRACTICE AREAS

civil rights constitutional law civil procedure administrative law disability discrimination

QUESTIONS PRESENTED

1. Whether the complaint stated a procedural due process claim based on OLR's handling and dismissal of Duerr's administrative complaints.
2. Whether OLR's handling of the complaints violated Duerr's First Amendment right to petition or his alleged right of access to a functioning state forum.
3. Whether the complaint stated claims under Title II of the Americans with Disabilities Act or the Rehabilitation Act.
4. Whether abstention was required because the requested federal relief would undermine or interfere with ongoing state divorce and custody proceedings.
5. Whether Duerr should be granted leave to amend.

HOLDINGS

1. The complaint did not state a procedural due process claim because Duerr had no federally protected liberty or property interest in OLR's discretionary handling or review of his administrative complaints.
2. The complaint did not state a First Amendment or related access-to-forum claim because Duerr was able to submit a grievance to OLR and received instructions for seeking review; the government was not required to grant or adopt his petition.
3. The complaint did not state a claim under Title II of the ADA or the Rehabilitation Act because it did not allege that OLR or the individual defendants excluded Duerr from, or denied him benefits of, a public service, program, or activity because of a disability.
4. Abstention was warranted because Duerr sought federal relief that could be used affirmatively or offensively to shape or change the direction of the related state divorce and custody proceedings.
5. Leave to amend was properly denied because the court had no basis to infer that amendment could save the complaint from dismissal.

KEY QUOTATIONS

“The rights to speak, associate, and petition do not require government policymakers to listen or respond to individuals’ communications on public issues. So, while the government may not interfere with the right to petition, it need not grant the petition, no matter how meritorious it is.” (947 F.3d at 1063)

FACTUAL BACKGROUND

Duerr filed complaints with the Wisconsin Office of Lawyer Regulation concerning Bryce Schoenborn, a guardian ad litem involved in Duerr's state divorce and child-custody case. OLR dismissed the complaints and provided instructions for appealing to its director. Duerr then sued OLR, its deputy director, and its intake coordinator, alleging violations of the Constitution, the Americans with Disabilities Act, and the Rehabilitation Act and seeking monetary, injunctive, and declaratory relief.

PROCEDURAL HISTORY

Duerr filed this action arising from a state-court divorce and child-custody dispute, challenging the Wisconsin Office of Lawyer Regulation's dismissal of his complaints against a guardian ad litem. The court withheld service while reviewing the complaint, accepted the allegations as true, and construed them liberally. It dismissed the complaint without leave to amend and directed entry of judgment and closure of the case.

DISPOSITION

dismissed

CASES CITED

- Duerr v. Barna, 25-cv-957-WMC (W.D. Wis. Jan. 27, 2026)
- Mallard v. U.S. Dist. Ct., 490 U.S. 296, 307–08 (1989)
- Rowe v. Shake, 196 F.3d 778, 783 (7th Cir. 1999)
- Arnett v. Webster, 658 F.3d 742, 751 (7th Cir. 2011)
- Cruz v. Safford, 579 F.3d 840, 843 (7th Cir. 2009)
- Cleveland Bd. of Educ. v. Loudermill, 470 U.S. 532, 542 (1985)
- Beckman v. Samuelson, No. 24-CV-307-WMC, 2025 WL 977602, at *2 (W.D. Wis. Mar. 21, 2025)
- Chapman v. Sellen, No. 05C0015, 2005 WL 1629897 (E.D. Wis. July 5, 2005)
- Fochtman v. Van Hollen, 2021 WL 5881973, at *3 (W.D. Wis. Dec. 13, 2021)
- Shipley v. Chicago Bd. of Election Commissioners, 947 F.3d 1056, 1063 (7th Cir. 2020)
- J.B. v. Woodard, 997 F.3d 714, 721–23 (7th Cir. 2021)
- Tate v. SCR Med. Transp., 809 F.3d 343, 346 (7th Cir. 2015)