

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WISCONSIN

Ivan Scharbrough v. Joni Derdzinski, State of Wisconsin, Martha Milanowski, Deborah Hatfield, Jennifer Ann Stuber, Daniel Overbey, Judiciary Courts of the State of Wisconsin Doing Business as Vilas County Circuit Court, Neal B. Nielsen, Judiciary Courts of the State of Wisconsin Doing Business as Oneida County Circuit Court, Kenneth Gardner, Tony Evers, William Weiss, Department of Corrections, Jared Hoy, Wisconsin Supreme Court Collection Trust Fund, Chad Lynch, Nicholas A. George, and Gerard Ritter

Ivan Scharbrough v. Joni Derdzinski, Case No. 26-cv-260-jdp (W.D. Wis. Apr. 24, 2026) · No. 26-cv-260-jdp ·
Decided April 24, 2026

SUMMARY

The United States District Court for the Western District of Wisconsin conducted preliminary review of Ivan Scharbrough’s pro se petition for a writ of habeas corpus under 28 U.S.C. § 2254. The court concluded that the 99-page petition did not comply with Rule 2(c) because it failed to clearly identify the state-court decisions challenged, the grounds for relief, and the requested relief. The court granted Scharbrough until May 14, 2026, to file an amended petition and stated that the case would otherwise be dismissed.

CASE DETAILS

COURT	United States District Court for the Western District of Wisconsin
WRITING FOR THE COURT	James D. Peterson
JURISDICTION	United States District Court for the Western District of Wisconsin
DECIDED	April 24, 2026
DOCKET	26-cv-260-jdp
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner proceeding without counsel filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254. The district court conducted preliminary review under Rule 4 of the Rules Governing Section 2254

	Cases and granted leave to amend rather than immediately dismissing the action.
STANDARD OF REVIEW	Under Rule 4 of the Rules Governing Section 2254 Cases and 28 U.S.C. § 2243, the court must examine the petition and supporting exhibits and dismiss the petition if it plainly appears that the petitioner is not entitled to relief. Under Rule 2(c), the petition must specify all grounds for relief and state the facts supporting each ground; the allegations must cross some threshold of plausibility before the state is required to answer.
PRECEDENTIAL VALUE	Unpublished district court opinion and order; no reporter citation appears in the source.
PARTIES	Ivan Scharbrough v. Joni Derdzinski, State of Wisconsin, Martha Milanowski, Deborah Hatfield, Jennifer Ann Stuber, Daniel Overbey, Judiciary Courts of the State of Wisconsin Doing Business as Vilas County Circuit Court, Neal B. Nielsen, Judiciary Courts of the State of Wisconsin Doing Business as Oneida County Circuit Court, Kenneth Gardner, Tony Evers, William Weiss, Department of Corrections, Jared Hoy, Wisconsin Supreme Court Collection Trust Fund, Chad Lynch, Nicholas A. George, Gerard Ritter

TOPICS

federal habeas corpus

pleadings

post-conviction relief

family law procedure

civil procedure

PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the petition satisfied Rule 2(c) by identifying the specific grounds for relief and the facts supporting each ground.
2. Whether the petition could be reviewed under Rule 4 when it was unclear which state-court judgments were being challenged and what relief was sought.
3. Whether the petitioner should be granted leave to amend the deficient habeas petition rather than having the action dismissed immediately.

HOLDINGS

1. The petition did not comply with Rule 2(c) because it failed to clearly specify the state-court judgments challenged, the grounds for relief, the facts supporting those grounds, and the relief sought.
2. The court was required to screen the petition under Rule 4 and could dismiss it if it plainly appeared that the petitioner was not entitled to relief, but it granted an opportunity to amend because the pleading

deficiencies could potentially be clarified.

KEY QUOTATIONS

“Rule 4 requires the court to examine the petition and supporting exhibits and dismiss a petition if it “plainly appears” that petitioner is not entitled to relief.”

“This means that the petitioner must provide enough facts to cross “some threshold of plausibility” before the state will be required to answer.”

FACTUAL BACKGROUND

Scharbrough sought federal habeas relief concerning multiple criminal and family-court proceedings in Oneida and Vilas Counties. His 99-page petition named numerous officials and entities but did not clearly identify the state-court decisions he wanted reviewed, the rights allegedly violated, the facts supporting each claim, or the relief requested. The petition also appeared to include challenges to family-court proceedings.

PROCEDURAL HISTORY

Scharbrough filed a 99-page habeas petition challenging or apparently seeking relief from multiple criminal and family-court proceedings in Oneida and Vilas Counties. On preliminary review, the court found that the petition did not clearly identify the judgments challenged, the alleged constitutional violations, the supporting facts, or the requested relief. The court allowed Scharbrough until May 14, 2026, to file an amended petition and warned that failure to do so would result in dismissal.

DISPOSITION

other

CASES CITED

- Harris v. McAdory, 334 F.3d 665, 669 (7th Cir. 2003)
- Dellenbach v. Hanks, 76 F.3d 820, 822 (7th Cir. 1996)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WISCONSIN IVAN SCHARBROUGH, Petitioner, v. JONI DERDZINSKI, STATE OF WISCONSIN, MARTHA MILANOWSKI, DEBORAH HATFIELD, JENNIFER ANN STUBER, DANIEL OVERBEY, JUDICIARY COURTS OF THE STATE OF WISCONSIN DOING BUSINESS AS OPINION and ORDER VILAS COUNTY CIRCUIT COURT, NEAL B. NIELSEN, JUDICIARY COURTS OF THE 26-cv-260-jdp STATE OF WISCONSIN DOING BUSINESS AS ONEIDA COUNTY CIRCUIT COURT, KENNETH GARDNER, TONY EVERS, WILLIAM WEISS, DEPARTMENT OF CORRECTIONS, JARED HOY, WISCONSIN

SUPREME COURT COLLECTION TRUST FUND, CHAD LYNCH, NICHOLAS A. GEORGE, and GERARD RITTER, Respondents.

Petitioner Ivan Scharbrough, proceeding without counsel, seeks a writ of habeas corpus under 28 U.S.C. § 2254. Scharbrough names a series of officials and entities as respondents, and he appears to seek relief from multiple criminal and family-court proceedings in Oneida and Vilas counties.

The petition is before the court for preliminary review under Rule 4 of the Rules Governing Section 2254 Cases. Rule 4 requires the court to examine the petition and supporting exhibits and dismiss a petition if it “plainly appears” that petitioner is not entitled to relief. See also 28 U.S.C. § 2243. I must also review his petitions for compliance with Rule 2(c), which requires the petitioner to “specify all the grounds for relief” and “state the facts supporting each ground.” This means that the petitioner must provide enough facts to cross “some threshold of plausibility” before the state will be required to answer.

Harris v. McAdory, 334 F.3d 665, 669 (7th Cir. 2003); Dellenbach v. Hanks, 76 F.3d 820, 822 (7th Cir. 1996). Scharbrough’s petition does not comply with Rule 2(c). His petition is extremely long (99 pages) and difficult to follow. He does not clearly explain what state-court decisions he seeks to reverse, how he believes his rights were violated, or explain how this court could consider in one habeas case multiple different judicial proceedings across two counties.

Ordinarily, habeas challenges of state-court decisions are limited to those seeking the petitioner’s release from custody. Scharbrough almost certainly may not bring a habeas challenge regarding family-court proceedings; only in extremely rare circumstances may habeas petitions be used to challenge child custody. I will give Scharbrough a chance to file an amended habeas petition.

In doing so, Scharbrough should do the following: • Explain the specific judgments or rulings that he would like the court to review. • Explain in detail each of his specific grounds for relief and the facts supporting those grounds. • Explicitly state the relief that he seeks. • Omit legal arguments other than explaining what types of claims he wishes to assert.

If Scharbrough does not submit an amended petition by this deadline, I will dismiss the case in its entirety. ORDER IT IS ORDERED that petitioner may have until May 14, 2026, to submit an amended petition for habeas corpus as discussed in the opinion above. Entered April 24, 2026. BY THE COURT: /s/ _____ JAMES D. PETERSON
District Judge