

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
WISCONSIN

Dizzy Dean Wells, Jr. v. Nurse Tyson et al.

Wells · No. 25-cv-1963-bhl · Decided February 4, 2026

SUMMARY

The United States District Court for the Eastern District of Wisconsin denied Dizzy Dean Wells, Jr.'s motion under Federal Rule of Civil Procedure 59(e) to alter or amend the judgment. The court also denied his alternative request to extend the deadline for paying the filing fee, concluding that he had not shown newly discovered evidence, manifest error, or good cause and remained subject to the restrictions of 28 U.S.C. § 1915(g).

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 4, 2026
DOCKET	25-cv-1963-bhl
DISPOSITION	other
PROCEDURAL POSTURE	After the court denied Plaintiff's motion to proceed in forma pauperis under 28 U.S.C. § 1915(g) and dismissed the action for failure to pay the filing fee, Plaintiff moved under Federal Rule of Civil Procedure 59(e) to alter or amend the judgment, or alternatively to extend the deadline for paying the filing fee.
STANDARD OF REVIEW	A Rule 59(e) motion may be granted only when the movant clearly establishes newly discovered evidence or a manifest error of law or fact warranting relief. A request for an extension of time is evaluated for good cause.
PRECEDENTIAL VALUE	Unknown

TOPICS

- motion for reconsideration
- prisoners rights
- civil procedure
- appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Wells was entitled to alter or amend the dismissal under Federal Rule of Civil Procedure 59(e).
2. Whether the court could relieve Wells from the consequences of the three-strikes provision in 28 U.S.C. § 1915(g).
3. Whether Wells had shown good cause for an extension of the deadline to pay the filing fee until after his anticipated release.

HOLDINGS

1. Wells was not entitled to alter or amend the judgment because he did not clearly establish newly discovered evidence or a manifest error of law or fact.
2. The court lacked authority to relieve Wells from the consequences of the three-strikes provision in 28 U.S.C. § 1915(g).
3. Wells was not entitled to an extension of the deadline until after his release because he failed to show good cause for such a lengthy extension.

KEY QUOTATIONS

“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.”

“The Court does not have the authority to relieve Wells of the consequences imposed by this provision.”

FACTUAL BACKGROUND

Wells, who is confined at Waupun Correctional Institution and proceeding pro se in a § 1983 action, stated that he could not afford the filing fee. The court found that he had at least three prior lawsuits dismissed for failure to state a claim and that his complaint did not support a reasonable inference of imminent danger. After Wells failed to pay the required fee by the deadline, the action was dismissed.

PROCEDURAL HISTORY

The court previously determined that Wells had accumulated at least three qualifying dismissals and had not alleged facts showing that he was in imminent danger of serious physical injury. It denied in forma pauperis status and ordered payment of the full filing fee. When Wells failed to pay by the deadline, the court dismissed the action. Wells then filed the present Rule 59(e) motion and alternative request for an extension, both of which were denied.

DISPOSITION

other

CASES CITED

- Harrington v. City of Chicago, 433 F.3d 542, 546 (7th Cir. 2006)
- Oto v. Metropolitan Life Ins. Co., 224 F.2d 601, 606 (7th Cir. 2000)

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