

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
WISCONSIN

Robert Eaton v. Doris J. Carrol, et al.

Eaton · No. 22-CV-1459 · Decided May 21, 2026

SUMMARY

The court denies defendants Bill E. Beth and Michael P. Weyker’s motion to dismiss claims in Robert Eaton’s 42 U.S.C. § 1983 action as barred by the statute of limitations. The court holds that equitable tolling applies because court-managed delays, difficulties recruiting counsel, and other circumstances outside Eaton’s control prevented him from timely identifying the Doe defendants. The claims against Beth and Weyker therefore are not time-barred.

CASE DETAILS

COURT	United States District Court for the Eastern District of Wisconsin
JURISDICTION	United States District Court for the Eastern District of Wisconsin
DECIDED	May 21, 2026
DOCKET	22-CV-1459
DISPOSITION	other
PROCEDURAL POSTURE	Defendants Bill E. Beth and Michael P. Weyker moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss the claims against them as barred by the statute of limitations. The district court denied the motion.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts factual allegations as true and determines whether the complaint states a plausible claim for relief. The court may rely on the complaint, docket entries, and judicially noticed court records without converting the motion into one for summary judgment.
PRECEDENTIAL VALUE	unpublished district court order; precedential status unknown

TOPICS

- motions to dismiss
- statute of limitations
- section 1983
- civil procedure

PRACTICE AREAS

- civil procedure
- civil rights
- statute of limitations
- prisoner civil rights

QUESTIONS PRESENTED

1. Whether Eaton's claims against Beth and Weyker were barred by the applicable three-year statute of limitations.
2. Whether equitable tolling applied because court-controlled delays, counsel-recruitment difficulties, and other circumstances outside Eaton's control prevented him from identifying and timely adding the Doe defendants.

HOLDINGS

1. Although the limitations period for Eaton's § 1983 and related state-law claims expired on March 8, 2024, the claims against Beth and Weyker were not time-barred because the limitations period was equitably tolled.
2. The court could resolve the motion under the Rule 12(b)(6) standard by relying on the complaint, docket entries, and judicially noticed court records, and therefore did not need to convert the motion into one for summary judgment.

KEY QUOTATIONS

“It is clear that the court’s management of the case and the procedural history and posture of the case interfered with Eaton’s ability to identify the Doe defendants.” (7)

“Based on this procedural history, Eaton could not identify the Doe defendants prior to the expiration of the March 8, 2024 deadline, and his inability to do so was through no fault of his own.” (8)

“Because Beth’s and Weyker’s addition to the case was not time-barred due to equitable tolling, their motion to dismiss is denied.” (9)

FACTUAL BACKGROUND

The underlying claims arise from a blood draw and urine sample allegedly taken from incarcerated plaintiff Robert Eaton on March 8, 2021. Eaton initially filed suit against Carrol and Doe defendants, including a Kenosha County Detention Center supervisor, but court screening and scheduling orders restricted discovery until a scheduling order was entered. The case was then stayed during lengthy efforts to recruit counsel, and later delays prevented Eaton from identifying and adding Beth and Weyker before the three-year limitations period expired.

PROCEDURAL HISTORY

Eaton filed a pro se § 1983 complaint on December 6, 2022, naming Doris J. Carrol and various Doe defendants. After screening, discovery restrictions, stays, recruitment and withdrawal of appointed counsel, and further assistance in identifying the Doe defendants, Eaton amended the complaint to name Beth and Weyker on July 14, 2025. Beth and Weyker moved to dismiss as untimely, and the case was reassigned to the deciding magistrate judge after the parties consented to magistrate jurisdiction.

DISPOSITION

other

CASES CITED

- *Adams v. City of Indianapolis*, 742 F.3d 720, 728-29 (7th Cir. 2014)
- *Olson v. Champaign County, Illinois*, 784 F.3d 1093, 1099 (7th Cir. 2015)
- *Gen. Elec. Cap. Corp. v. Lease Resol Corp.*, 128 F.3d 1074, 1081-82 (7th Cir. 1997)
- *Devbrow v. Kalu*, 705 F.3d 765, 767 (7th Cir. 2013)
- *D’aquisto v. Love*, No. 20-c-1034, 2020 WL 5982895, at *1 (E.D. Wis. Oct. 8, 2020)
- *Herrera v. Cleveland*, 8 F.4th 493, 497, 499 (7th Cir. 2021)
- *Degrave v. D.O.C.*, Case No. 21-cv-256-wmc, 2021 WL 5371393, at *2 (W.D. Wis. Nov. 18, 2021)
- *Shropshire v. Corporation Counsel of City of Chicago*, 275 F.3d 593, 595 (7th Cir. 2001)
- *Stallings v. Duran*, Case No. 22-CV-1330-JPS, 2023 WL 3170241, at *1 (E.D. Wis. Apr. 28, 2023)
- *Xanthopoulos v. U.S. Department of Labor*, 991 F.3d 823, 831 (7th Cir. 2021)
- *Juarez v. May*, Case No. 21-CV-1092, 2023 WL 7386199, at *2 (E.D. Wis. Nov. 8, 2023)