

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WISCONSIN

Jeff Poff v. Wyatt Weadge

23-cv-43-wmc · No. 23-cv-43-wmc · Decided April 1, 2026

SUMMARY

The United States District Court for the Western District of Wisconsin denied plaintiff Jeff Poff’s motion to require the Wisconsin Department of Corrections to indemnify defendant Wyatt Weadge under Wisconsin Statute § 895.46(1)(a). The court held that the Department was not a defendant, § 1983 does not authorize vicarious liability, and any indemnification right belongs to the state employee rather than the tort victim; the court also denied as moot a motion seeking clarification of the default judgment’s status.

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	April 1, 2026
DOCKET	23-cv-43-wmc
DISPOSITION	other
PROCEDURAL POSTURE	After entering default judgment for plaintiff, the court considered plaintiff's post-judgment motion seeking an order requiring the Wisconsin Department of Corrections to indemnify defendant under Wis. Stat. § 895.46(1)(a), along with a motion for clarification concerning the status of the default judgment.
PRECEDENTIAL VALUE	Unknown
PARTIES	Jeff Poff v. Wyatt Weadge

TOPICS

- default judgment
- section 1983
- remedies
- statutory interpretation
- civil procedure

PRACTICE AREAS

- civil rights
- prisoner civil rights
- civil procedure
- judgment enforcement
- government indemnification

QUESTIONS PRESENTED

1. Whether the court could require the Wisconsin Department of Corrections to indemnify defendant Weadge under Wis. Stat. § 895.46(1)(a) after the Department was not named as a defendant and final judgment had been entered.
2. Whether plaintiff, rather than the state employee, may assert a right to indemnification under Wis. Stat. § 895.46(1)(a).
3. Whether plaintiff's motion for clarification concerning the status of the default judgment remained justiciable after the court denied the indemnification motion.

HOLDINGS

1. The court would not require the Wisconsin Department of Corrections to indemnify Weadge because DOC was never named as a defendant and the time to add it as a defendant had passed in this case.
2. Section 1983 does not otherwise authorize vicarious liability, and plaintiff cannot compel the State or DOC to satisfy Weadge's judgment on that basis.
3. As a matter of Wisconsin law, Weadge, the state employee, possesses any right to seek indemnification; plaintiff does not.
4. The motion for clarification was denied as moot.

KEY QUOTATIONS

“§ 1983 does not otherwise authorize vicarious liability, and as a matter of Wisconsin law, the state employee Weadge possesses any right to seek indemnification, not plaintiff.”

“§ 895.46 “does not permit a tort victim to sue the state directly””

FACTUAL BACKGROUND

Poff obtained a default judgment against Weadge that awarded damages and costs. After final judgment was entered and the case was closed, Poff sought to compel the Wisconsin Department of Corrections to indemnify Weadge under Wisconsin's indemnification statute. The Department had not been named as a defendant, and Poff was proceeding pro se as a state prisoner.

PROCEDURAL HISTORY

The court entered default judgment against Wyatt Weadge on December 3, 2025, awarding damages and costs to Jeff Poff. The clerk entered final judgment and closed the case on December 5, 2025. Poff then moved to require the Wisconsin Department of Corrections, which was not a named defendant, to indemnify Weadge; he also moved for clarification regarding the default judgment. The court denied the indemnification motion without prejudice and denied the clarification motion as moot.

DISPOSITION

other

CASES CITED

- Dotson v. Faulkner, 138 F.4th 1029, 1031 (7th Cir. 2025)
- Carlson v. Pepin Cnty., 167 Wis. 2d 345, 356, 481 N.W.2d 498 (Wis. Ct. App. 1992)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WISCONSIN

JEFF POFF, Plaintiff, ORDER v. 23-cv-43-wmc WYATT WEADGE, Defendant.

On December 3, 2025, the court entered a default judgment against defendant Wyatt Weadge, which awarded damages and costs to plaintiff Jeff Poff.

(Dkt. #85.) The clerk's office entered final judgment accordingly and closed this case on December 5, 2025. (Dkt. #88.) As a state prisoner representing himself, plaintiff has now filed a motion for a court order requiring the Wisconsin Department of Corrections to indemnify Weadge under Wis. Stat. § 895.46(1)(a). (Dkt. #91.) That motion must be DENIED. DOC was never named as a defendant in this lawsuit and the time has long passed to do so, at least in this case.

Moreover, § 1983 does not otherwise authorize vicarious liability, and as a matter of Wisconsin law, the state employee Weadge possesses any right to seek indemnification, not plaintiff. Dotson v. Faulkner, 138 F.4th 1029, 1031 (7th Cir. 2025) (citing Wis. Stat. § 895.46(1)(a) and Carlson v. Pepin Cnty., 167 Wis. 2d 345, 356, 481 N.W.2d 498 (Wis. Ct. App. 1992) (§ 895.46 “does not permit a tort victim to sue the state directly”)).

The court understands plaintiff's frustration, but as he was previously advised during the default judgment hearing and in a subsequent order (dkt. #90, at 2), that he may be best served to engage a reputable collection service or law firm on a contingent basis, rather than attempt collection on his own, to the extent any assets exist to satisfy all or part of defendant's financial obligation, including defendant's possible, if unlikely, right to seek indemnification.

ORDER IT IS ORDERED THAT the motion to enforce indemnification under Wis. Stat. § 895.46(1)(a) filed by plaintiff Jeff Poff (dkt. #91) is DENIED without prejudice. Plaintiff's motion for clarification on the status of his default judgment (dkt. #92) is DENIED as moot. Entered this 1st day of April, 2026. BY THE COURT: s/ _____
WILLIAM M. CONLEY District Judge