

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
WISCONSIN

Atom J. Smith v. Dodge County Human Services, Kelly M. Enright,
Evan D. Berbe, Sabrina Nehr, Katie Gordon, Nick Hafenstein,
Katherine Hafenstein, Sgt. Stocks, Horicon Police Department, Lisa
L. Grycowski, Rylee Umland, DCHS Health Dept. Directors, Ashley
Hartman, Judge Martin J. Devries, Michael Robert Devitt, David
Kianovsky, Tia Williams, Wendy McGurk, Sabrina, and Foster
Parents

Smith v. Dodge County Human Services · No. Case No. 25-CV-1428-JPS · Decided May 18, 2026

SUMMARY

The United States District Court for the Eastern District of Wisconsin denied Atom J. Smith’s motions to reconsider dismissal of his amended complaint for lack of subject matter jurisdiction. The court held that the domestic-relations exception continued to bar claims arising from custody, child support, paternity, and termination-of-parental-rights proceedings, and denied his renewed motion for appointed counsel as moot.

CASE DETAILS

COURT	United States District Court for the Eastern District of Wisconsin
WRITING FOR THE COURT	A. P. Stadtmueller
JURISDICTION	United States District Court for the Eastern District of Wisconsin
DECIDED	May 18, 2026
DOCKET	Case No. 25-CV-1428-JPS
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for reconsideration of the dismissal of his amended complaint for lack of subject matter jurisdiction and renewed his motion for appointment of counsel. The district court denied both reconsideration motions and denied the renewed counsel motion as moot.
STANDARD OF REVIEW	A motion for reconsideration is granted only in rare circumstances, including a patent misunderstanding of a party, a decision outside the

adversarial issues, an error of apprehension, a controlling or significant change in law or facts, or a manifest error of law or fact.

PRECEDENTIAL VALUE

unpublished

TOPICS

motion for reconsideration

subject matter jurisdiction

family law

section 1983

civil procedure

PRACTICE AREAS

civil procedure

civil rights

family law

QUESTIONS PRESENTED

1. Whether Plaintiff's motions for reconsideration established a permissible ground for reconsidering the prior dismissal.
2. Whether the domestic-relations exception continued to deprive the federal court of subject matter jurisdiction over claims concerning custody, paternity, child support, and related state proceedings.
3. Whether Plaintiff's renewed motion for appointment of counsel was moot after the court declined to alter the dismissal.

HOLDINGS

1. The motions for reconsideration were properly denied because Plaintiff did not identify a rare circumstance, controlling change in law or facts, or manifest error warranting reconsideration, and his arguments largely rehashed matters previously addressed or that could have been raised earlier.
2. The domestic-relations exception barred the action because Plaintiff continued to seek relief related to state custody, paternity, child-support, and parental-rights proceedings; the federal court therefore lacked subject matter jurisdiction.
3. The renewed motion to appoint counsel was moot because the court found no basis to disturb the prior dismissal for lack of subject matter jurisdiction.

KEY QUOTATIONS

"Motions for reconsideration are, as a general matter, granted only in rare circumstances."

"Reconsideration is not an appropriate forum for rehashing previously rejected arguments or arguing matters that could have been heard during the pendency of the previous motion."

"Lastly, and most importantly, the Court held that regardless of the other reasons, the action was barred in any instance because the "Court lack[ed] subject matter jurisdiction altogether . . . as a result of the domestic-relations exception to federal jurisdiction.""

FACTUAL BACKGROUND

Plaintiff sought federal relief arising from state-court proceedings involving paternity, child support, custody, and termination of parental rights. His reconsideration motions asserted that defendants were state actors, challenged the handling of the state proceedings, and sought damages for the removal of his son from his custody and resulting emotional distress. The court determined that the requested relief remained related to custody and child-support proceedings.

PROCEDURAL HISTORY

The court had previously dismissed Plaintiff's amended complaint without prejudice for lack of subject matter jurisdiction, relying principally on the domestic-relations exception and also citing the state-actor requirement, judicial immunity, and the Rooker-Feldman doctrine. Plaintiff filed two motions to reconsider and renewed his request for appointed counsel. The court concluded that the motions did not establish any basis for reconsideration and that the action remained barred by the domestic-relations exception.

DISPOSITION

other

CASES CITED

- Bank of Waunakee v. Rochester Cheese Sales, Inc., 906 F.2d 1185, 1191 (7th Cir. 1990)
- Above the Belt, Inc. v. Mel Bohannon Roofing, Inc., 99 F.R.D. 99, 101 (E.D. Va. 1983)
- Rothwell Cotton Co. v. Rosenthal & Co., 827 F.2d 246, 251 (7th Cir. 1987)
- Keene Corp. v. International Fidelity Insurance Co., 561 F. Supp. 656, 665–66 (N.D. Ill. 1982)
- Rosenthal & Co. v. Rothwell Cotton Co., 835 F.2d 710 (7th Cir. 1987)
- Caisse Nationale de Credit Agricole v. CBI Industries, Inc., 90 F.3d 1264, 1270 (7th Cir. 1996)
- In re Oil Spill, 794 F. Supp. 261, 267 (N.D. Ill. 1992)
- Bally Export Corp. v. Balicar Ltd., 804 F.2d 398, 404 (7th Cir. 1986)
- Rehberg v. Paul, 566 U.S. 356, 363 (2012)
- O'Grady v. Marathon County Child Support Agency, No. 03-C-700-C, 2004 WL 257104, at *1 (W.D. Wis. Feb. 3, 2004)
- Wright v. Tackett, 39 F.3d 155, 158 (7th Cir. 1994) (per curiam), cert. denied, 513 U.S. 1150 (1995)