

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
WISCONSIN

Brian Maus v. Stephanie Olmsted

Maus · No. 25-cv-1146-bhl · Decided December 1, 2025

SUMMARY

The United States District Court for the Eastern District of Wisconsin denied Brian Maus’s motion for reconsideration of the dismissal of his second amended civil rights complaint. The court concluded that Maus’s jurisdictional objections and allegations of a criminal conspiracy were frivolous and unrelated to the dismissal, and therefore did not establish grounds for reconsideration under Federal Rule of Civil Procedure 59(e).

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	December 1, 2025
DOCKET	25-cv-1146-bhl
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for reconsideration under Federal Rule of Civil Procedure 59(e) after the court dismissed his second amended civil-rights complaint as frivolous and for failure to state a claim.
STANDARD OF REVIEW	A Rule 59(e) motion requires the movant to clearly establish a manifest error of law or fact or newly discovered evidence that precluded entry of judgment.
PRECEDENTIAL VALUE	Unknown

TOPICS

- motion for reconsideration
- civil rights
- section 1983
- civil procedure
- subject matter jurisdiction

PRACTICE AREAS

- Civil procedure
- Civil rights
- Federal courts

QUESTIONS PRESENTED

1. Whether Maus established a basis for reconsideration of the judgment under Federal Rule of Civil Procedure 59(e).
2. Whether Maus's jurisdictional and judicial-conspiracy arguments warranted reconsideration of the dismissal.

HOLDINGS

1. A party seeking reconsideration under Rule 59(e) must clearly establish either a manifest error of law or fact or newly discovered evidence that precluded entry of judgment; Maus did not meet that standard.

FACTUAL BACKGROUND

Maus alleged that Stephanie Olmsted, LeeAnn Raab, Dana Wszalek, Michelle Hubbard, and others conspired to wrongfully accuse him of sexual misconduct. After the court dismissed his second amended complaint, Maus sought reconsideration based on arguments that the court lacked jurisdiction and that the assigned judges were participating in a criminal conspiracy targeting him. The court characterized those arguments as frivolous and unrelated to the dismissal.

PROCEDURAL HISTORY

Maus filed a civil-rights complaint, amended complaint, second amended complaint, and a motion for a temporary restraining order. After screening, Magistrate Judge Dries recommended dismissal of the second amended complaint as frivolous and for failure to state a claim. The district court adopted that recommendation on October 22, 2025, dismissed the complaint, denied outstanding motions as moot, and granted Maus leave to proceed in forma pauperis. Maus then moved for reconsideration, objected to the court's jurisdiction, and alleged that the assigned judges were involved in a criminal conspiracy. The court denied reconsideration.

DISPOSITION

other

CASES CITED

- Blue v. Hartford Life & Accident Insurance Co., 698 F.3d 587, 598 (7th Cir. 2012)
- Oto v. Metropolitan Life Insurance Co., 224 F.3d 601, 606 (7th Cir. 2000)
- Miller v. Safeco Insurance Co. of America, 683 F.3d 805, 813 (7th Cir. 2012)
- LB Credit Corp. v. Resolution Trust Corp., 49 F.3d 1263, 1267 (7th Cir. 1995)

OPINION

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF WISCONSIN BRIAN MAUS,
Plaintiff, Case No. 25-cv-1146-bhl v. STEPHANIE OLMSTED, Defendant.

ORDER DENYING MOTION FOR RECONSIDERATION

On August 4, 2025, Plaintiff Brian Maus, proceeding without an attorney, filed a civil rights complaint and a motion to proceed in forma pauperis (IFP).

(ECF Nos. 1 & 2.) Maus's complaint alleges that Defendants Stephanie Olmsted, LeeAnn Raab, Dana Wszalek, Michelle Hubbard, and others, have conspired to wrongfully accuse him of sexual misconduct. (ECF No. 1.) Maus filed an amended complaint on September 5, 2025. (ECF No. 14.) Magistrate Judge Dries screened and dismissed Maus's amended complaint without prejudice, denied his other motions, did not rule on his motion to proceed IFP, and granted Maus leave to file a second amended complaint.

(ECF No. 16.) Maus then filed a second amended complaint and a motion for a temporary restraining order. (ECF Nos. 17 & 18.) On October 3, 2025, Magistrate Judge Dries recommended the matter be dismissed as frivolous and for failing to state a claim. (ECF No. 19.)

On October 22, 2025, the Court adopted Magistrate Judge Dries's report and recommendation, dismissed Maus's second amended complaint, denied his outstanding motions as moot, and granted his motion to proceed IFP. (ECF No. 27.)

On November 17, 2025, Maus filed a motion for reconsideration, objections to the Court's jurisdiction, and a declaration. (ECF Nos. 37–39.) The Court will deny Maus's motion for reconsideration. ANALYSIS Federal Rule of Civil Procedure 59(e) allows a party to move the court for reconsideration of a judgment within 28 days following the entry of the judgment.

To prevail, the movant must clearly establish “(1) that the court committed a manifest error of law or fact, or (2) that newly discovered evidence precluded entry of judgment.” *Blue v. Hartford Life & Accident Ins. Co.*, 698 F.3d 587, 598 (7th Cir. 2012). A manifest error of law refers to the disregard, misapplication, or misidentification of controlling precedent.

Oto v. Metro. Life Ins. Co., 224 F.3d 601, 606 (7th Cir. 2000) (citation omitted). Parties may not use a motion for reconsideration to advance new arguments or theories that they should have raised before the Court rendered a judgment, or to present evidence that they could have presented earlier. *Miller v. Safeco Ins. Co. of Am.*, 683 F.3d 805, 813 (7th Cir.

2012) (citing *LB Credit Corp. v. Resolution Trust Corp.*, 49 F.3d 1263, 1267 (7th Cir. 1995)). Maus's motion for reconsideration argues that the Court does not have jurisdiction and that the two judges assigned to his case are involved in a criminal conspiracy targeting him. (ECF No. 37.)

Because these arguments are frivolous and unrelated to the dismissal of the underlying case, Maus's motion for reconsideration will be denied. Accordingly, IT IS HEREBY ORDERED that Plaintiff's Motion for Reconsideration, (ECF No. 37) is DENIED. Dated at Milwaukee,

Wisconsin, on December 1, 2025. s/ Brett H. Ludwig BRETT H. LUDWIG United States District Judge

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