

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
WISCONSIN

Darrell Rogers v. Randall Hepp, et al.

No. 25-cv-167-pp (E.D. Wis. Dec. 18, 2025) · No. 25-cv-167-pp · Decided December 18, 2025

SUMMARY

The United States District Court for the Eastern District of Wisconsin denied Darrell Rogers's motion for reconsideration under Federal Rule of Civil Procedure 59(e). The court held that Rogers had not shown a manifest error of law or newly discovered evidence and reaffirmed that amendment of his complaint would be futile. The court had previously dismissed his federal claims without prejudice and declined jurisdiction over any state-law claims.

CASE DETAILS

COURT	United States District Court for the Eastern District of Wisconsin
WRITING FOR THE COURT	Pamela Pepper
JURISDICTION	United States District Court for the Eastern District of Wisconsin
DECIDED	December 18, 2025
DOCKET	25-cv-167-pp
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiff's motion for reconsideration of order dismissing complaint under 28 U.S.C. § 1915A.
STANDARD OF REVIEW	Motion for reconsideration under Rule 59(e) requires showing manifest error of law or newly discovered evidence.
PRECEDENTIAL VALUE	non_precedential

TOPICS

- prisoners rights
- first amendment
- civil rights
- motion for reconsideration
- civil procedure

PRACTICE AREAS

- prisoners rights
- civil rights
- civil procedure

QUESTIONS PRESENTED

1. Whether the court's dismissal of the complaint without granting leave to amend constituted a manifest error of law.
2. Whether the plaintiff stated a plausible First Amendment retaliation claim.

HOLDINGS

1. The court did not err. Given the thoroughness of the plaintiff's allegations, allowing amendment would be futile because he does not state a federal claim.
2. No. The plaintiff's allegations did not establish that the defendants' actions were motivated by his protected First Amendment activity.

KEY QUOTATIONS

“Rule 59(e) allows a court to alter or amend a judgment only if the petitioner can demonstrate a manifest error of law or present newly discovered evidence.””

“A ‘manifest error of law’ ‘is not demonstrated by the disappointment of the losing party. It is the wholesale disregard, misapplication, or failure to recognize controlling precedent.’””

“The Seventh Circuit has instructed that a district court should give a plaintiff representing himself an opportunity to amend his complaint unless it is ‘certain that amendment would be futile or otherwise unwarranted.’””

FACTUAL BACKGROUND

Plaintiff, an incarcerated individual, alleged he was prevented from attending scheduled law library time because his pass was in the bakery where he worked. He also alleged that prison officials improperly processed his inmate grievances about these incidents.

PROCEDURAL HISTORY

Plaintiff, proceeding pro se, filed a 42 U.S.C. § 1983 complaint. The court screened it under 28 U.S.C. § 1915A and dismissed it without prejudice for failure to state a federal claim and lack of subject-matter jurisdiction over state law claims. Plaintiff then moved for reconsideration under Fed. R. Civ. P. 59(e).

DISPOSITION

affirmed

CASES CITED

- *Obrecht v. Raemisch*, 517 F.3d 489 (7th Cir. 2008)
- *Sigsworth v. City of Aurora*, 487 F.3d 506 (7th Cir. 2007)
- *In re Prince*, 85 F.3d 314 (7th Cir. 1996)
- *Oto v. Metro. Life Ins. Co.*, 224 F.2d 601 (7th Cir. 2000)
- *Sedrak v. Callahan*, 987 F. Supp. 1063 (N.D. Ill. 1997)

- Whitfield v. Spiller, 76 F.4th 698 (7th Cir. 2023)
- Bridges v. Gilbert, 557 F.3d 541 (7th Cir. 2009)
- Owens v. Hinsley, 635 F.3d 950 (7th Cir. 2011)
- George v. Smith, 507 F.3d 605 (7th Cir. 2007)
- Antonelli v. Sheahan, 81 F.3d 1422 (7th Cir. 1996)
- Zimmerman v. Bornick, 25 F.4th 491 (7th Cir. 2022)

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