

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WISCONSIN

Reginald Mims, I v. Logan Brown, et al.

25-cv-42-jdp · No. 25-cv-42-jdp · Decided May 28, 2026

SUMMARY

The court grants defendants’ motions to compel plaintiff Reginald Mims, I, to respond to discovery requests and denies without prejudice motions to dismiss based on his failure to participate in discovery. The court explains that plaintiff may invoke the Fifth Amendment in response to particular discovery requests but must still participate in discovery, and allows him until June 11, 2026, to respond. The court also declines to sever or stay the state-law claims, while permitting plaintiff to seek voluntary dismissal of those claims through an amended complaint.

CASE DETAILS

COURT	United States District Court for the Western District of Wisconsin
WRITING FOR THE COURT	Anita Marie Boor
JURISDICTION	United States District Court for the Western District of Wisconsin
DECIDED	May 28, 2026
DOCKET	25-cv-42-jdp
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved to compel discovery, and two defendants moved to dismiss claims based on the plaintiff's failure to respond to discovery requests. The plaintiff also sought to sever or stay state-law claims.
PRECEDENTIAL VALUE	unknown

TOPICS

- discovery dispute
- sanctions
- civil procedure
- subject matter jurisdiction
- civil rights

PRACTICE AREAS

- civil procedure
- civil rights
- constitutional law
- discovery
- remedies

QUESTIONS PRESENTED

1. Whether the plaintiff's asserted Fifth Amendment concern excused his failure to respond to discovery requests.
2. Whether the defendants were entitled to orders compelling the plaintiff to respond to discovery.
3. Whether the plaintiff's failure to participate in discovery warranted dismissal at that stage.
4. Whether the state-law claims against Morris and Wilson should be severed or stayed.

HOLDINGS

1. The plaintiff's potential invocation of the Fifth Amendment did not excuse him from his discovery obligations. He could invoke the privilege when appropriate in response to particular requests, but he had to respond to discovery and identify specific objections.
2. The motions to compel were granted, and the plaintiff was ordered to respond to all defendants' discovery requests by June 11, 2026.
3. The motions to dismiss were denied without prejudice. If the plaintiff again failed to comply with the discovery order, defendants could seek sanctions, including dismissal, under Rule 37(b) for consideration by the presiding judge.
4. The court declined to sever or indefinitely stay the state-law claims against Morris and Wilson. The plaintiff could instead seek voluntary dismissal without prejudice by moving for leave to amend under Rule 15(a).

KEY QUOTATIONS

"In any event, invoking the Fifth Amendment in response to certain discovery requests does not excuse plaintiff from his discovery obligations."

"This is plaintiff's case to prosecute—he has an obligation to participate in discovery in good faith and has had ample opportunity to do so."

FACTUAL BACKGROUND

Reginald Mims alleged that self-represented defendants Paul Morris and James Wilson were involved in an altercation with him while attempting to tow his vehicle. He further alleged that Fitchburg police officers arrested him without reason and used excessive force. During discovery, Mims did not respond to defendants' discovery requests, explaining that he feared potential criminal liability and might invoke the Fifth Amendment.

PROCEDURAL HISTORY

The case concerns federal civil-rights and related state-law claims arising from an altercation during an attempted vehicle tow and the plaintiff's arrest. After discovery opened, the plaintiff failed to respond to any discovery requests by court-imposed deadlines. The magistrate judge granted the motions to compel, denied the motions to dismiss without prejudice, gave the plaintiff a final opportunity to respond, and declined to sever or stay the state-law claims.

DISPOSITION

other

CASES CITED

- In re High Fructose Corn Syrup Antitrust Litig., 295 F.3d 651, 663-64 (7th Cir. 2002)
- Evans v. City of Chi., 513 F.3d 735, 740-41 (7th Cir. 2008)
- Taylor v. Brown, 787 F.3d 851, 857-58 (7th Cir. 2015)

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