

Wyoming District Court Rulings

Order Dismissing Case February 07, 2019

Order Denying Defendant's May 2019 Motion September 26, 2019

Index of Entire Docket May 13, 2020

IN THE DISTRICT COURT FOR THE FIRST JUDICIAL DISTRICT
STATE OF WYOMING, COUNTY OF LARAMIE
DOCKET NO. 188 - 643

FANE R. SELLERS, -
STEVEN BABCOCK
FOR AND IN BEHALF OF
ALL INMATES

Petitioners,

v.

THE STATE OF WYOMING,
GOVERNOR MATT MEADE,
ATTORNEY GENERAL FOR THE STATE OF
WYOMING, PETER K. MICHAEL, AND
ALL ENTITIES ACTING FOR THE
STATE OF WYOMING

Respondents.

FILED

FEB 07 2019

DIANE SANCHEZ
CLERK OF THE DISTRICT COURT

ORDER DISMISSING CASE

THIS MATTER having come before the Court *sua sponte*, the Court FINDS that no substantial and bona fide action of record towards disposition has been taken for 90 days. Rule 203(c) U.R.D.C.

IT IS HEREBY ORDERED that the above entitled case is dismissed, without prejudice for the reason that the case has been on file for more than ninety days with no action.

DATED this 4 day of February, 2019.

Clerk of District Court certifies copies were
distributed on Feb. 7, 2019 to:

THOMAS CAMPBELL
DISTRICT JUDGE

cc: Fane R. Sellers #25665 - m
Wyoming Honor Conservation Camp
P.O. Box 160
Newcastle, WY 82701

Steven Babcock #27869 . m
Wyoming Honor Conservation Camp
P.O. Box 160
Newcastle, WY 82701

IN THE SUPREME COURT, STATE OF WYOMING

April Term, A.D. 2020

**FANE R. SELLERS and STEVEN
BABCOCK, for and in behalf of all
inmates,**

**Appellants
(Petitioners),**

v.

**THE STATE OF WYOMING;
GOVERNOR MATTHEW MEAD;
ATTORNEY GENERAL FOR THE
STATE OF WYOMING, PETER K.
MICHAEL; and all entities acting for
the State of Wyoming,**

**Appellees
(Respondents).**

**IN THE SUPREME COURT
STATE OF WYOMING
FILED**

JUN 30 2020

PATRICIA BENNETT, CLERK

by DEPUTY

S-20-0109

ORDER DENYING PETITION TO REINSTATE APPEAL

This matter came before the Court upon the *pro se* Appellants' "Motion for Hearing," filed herein June 22, 2020. The Court has treated the pleading as a petition for reinstatement of appeal, in accord with W.R.A.P. 15. The Court, having carefully reviewed the petition and the file, finds that the petition should be denied. It is, therefore,

ORDERED that Appellants' petition to reinstate appeal, be, and hereby is, denied. This case is closed.

DATED this 30th day of June, 2020.

BY THE COURT:*


MICHAEL K. DAVIS
Chief Justice

*Justice Gray took no part in the consideration of this matter.

IN THE SUPREME COURT, STATE OF WYOMING

April Term, A.D. 2020

**FANE R. SELLERS and STEVEN
BABCOCK, for and in behalf of all
inmates,**

**Appellants
(Petitioners),**

v.

**THE STATE OF WYOMING;
GOVERNOR MATTHEW MEAD;
ATTORNEY GENERAL FOR THE
STATE OF WYOMING, PETER K.
MICHAEL; and all entities acting for
the State of Wyoming,**

**Appellees
(Respondents).**

IN THE SUPREME COURT
STATE OF WYOMING
FILED

JUN 02 2020

S-20-0109

PATRICIA BENNETT, CLERK
Shawna Jacob
by DEPUTY

ORDER DISMISSING APPEAL

This matter came before the Court upon its own motion following a review of recently docketed appeals. The Court, having carefully reviewed the file, finds that Appellants' notice of appeal was untimely because Appellants did not file their notice of appeal within thirty days of the deemed denial of their post-judgment motion. W.R.A.P. 2.01; 2.02.

On February 7, 2019, the district court entered its "Order Dismissing Case." On February 25, 2019, Appellants filed a "Motion for Hearing and to Refile of Case No. 188-643 Due to Court Error in Not Following Court Rules and The Constitution of the State of Wyoming; In Conjunction with a Motion for Hearing and A Motion for Immediate Issue of Summons," along with a memorandum in support. Appellants cited several rules, including W.R.C.P. 60. This Court finds the February 25 post-judgment motion is arguably proper under W.R.C.P. 60(b) and/or W.R.C.P. 59(e). *Essex Holding, LLC v. Basic Properties, Inc.*, 2018 WY 111, ¶40, 427 P.3d 708, 721 (Wyo. 2018) ("[F]or the purpose of tolling the time to appeal a judgment or appealable order in a civil case, a post-judgment motion, however titled, is not a 'nullity' and shall be treated as a Rule 59(e) motion if it challenges the merits of the judgment and is filed no later than 28 days after the entry of the judgment."). To the extent the post-judgment motion sought relief under W.R.C.P. 59(e), the motion tolled the time for filing a notice of appeal from the "Order Dismissing Case," pursuant to W.R.A.P. 2.02(a). Also, to the extent the post-judgment motion sought relief under W.R.C.P. 60(b), the denial of the motion would be appealable. *Essex*, ¶ 69, 427 P.3d at 728.

IN THE DISTRICT COURT FOR THE FIRST JUDICIAL DISTRICT
STATE OF WYOMING, COUNTY OF LARAMIE
DOCKET NO. 188 - 643

FANE R. SELLERS,
STEVEN BABCOCK
FOR AN IN BEHALF OF
ALL INMATES,

Petitioners,

v.

THE STATE OF WYOMING,
GOVERNOR MATT MEADE,
ATTORNEY GENERAL FOR THE STATE OF
WYOMING, PETER K. MICHAEL, AND
ALL ENTITIES ACTING FOR THE
STATE OF WYOMING,

Respondents.

FILED

SEP 26 2019

DIANE SANCHEZ
CLERK OF THE DISTRICT COURT

ORDER DENYING DEFENDANT'S MAY 2019 MOTION

THE ABOVE-ENTITLED MATTER came before this Court on Plaintiff's
Motion for Hearing and to Refile of Case No. 188-643 Due to Court Error in Not Following
Court Rules and the Constitution of the State of Wyoming; in Conjunction with a Motion
for Hearing and a Motion for Immediate Issue of Summons and the Court having reviewed
the matter finding Petitioner's *Motion* was not properly served on any of the parties
pursuant to the Wyoming Rules of Civil Procedure (W.R.C.P.) and being otherwise well
advised in the premises:

IT IS HEREBY ORDERED that the Petitioner's must be and is hereby **DENIED**
without prejudice.

DATED this 26 day of September, 2019.

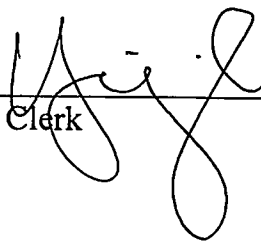


THOMAS T.C. CAMPBELL
DISTRICT JUDGE

cc: Fane R. Sellers # 25665 - *nr*
Wyoming Honor Conservation Camp
P.O. Box 160
Newcastle, WY 82701

Steven Babcock #27869 - *nr*
Wyoming Honor Conservation Camp
P.O. Box 160
Newcastle, WY 82701

I hereby certify that I distributed a true and correct copy of the foregoing this 26
day of September, 2019, as indicated. [M-mail; B-box in Clerk's Office, H-hand delivery;
F-facsimile transmission.]



Deputy Clerk

STATE OF WYOMING COUNTY OF LARAMIE, SS: CHEYENNE

I, Diane Sanchez, Clerk of the District Court in and for the
County of Laramie, Wyoming, do hereby certify that the within and
foregoing is a full true and correct copy of the original thereof as
the same appears on file or of record in my office and that the
same is in full force and effect as of this date.

Witness my hand and seal of said court this 26 day of Sept, 2019.

DIANE SANCHEZ
Clerk of District Court

By _____

Deputy

IN THE DISTRICT COURT FOR THE FIRST JUDICIAL DISTRICT
WITHIN AND FOR THE COUNTY OF LARAMIE COUNTY

FANE R. SELLERS, STEVEN BABCOCK, FOR AND IN BEHALF
OF ALL INMATES,
PLAINTIFFS

v.

THE STATE OF WYOMING, GOVERNOR MATT MEAD, ATTORNEY GENERAL FOR THE
STATE OF WYOMING, PETER K. MICHAEL AND ALL ENTITIES FOR THE STATE OF
WYOMING
DEFENDANTS

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