

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

SYLVESTER THOMAS,
Petitioner-Appellant,

v.

STATE OF WISCONSIN,
Respondent-Appellee.

2012-1464

Appeal from the United States District Court for the Western District of Wisconsin in case no. 12-CV-0079, Senior Judge Barbara B. Crabb.

ON MOTION

O R D E R

The court considers whether this appeal should be transferred to the United States Court of Appeals for the Seventh Circuit.

Sylvester Thomas appeals from a decision of the United States District Court for the Western District of Wisconsin denying his Supplemental Motion to Dismiss Chapter 980 Petition Pursuant to Fed. R. Civ. P. 15(a) or to Withdraw His Plea Agreement Under Wis. Stat. 971.08

Due to Miscarriage of Justice. This court is a court of limited jurisdiction. 28 U.S.C. § 1295. Based only upon our review, it does not appear that the district court's jurisdiction arose in whole or in part under the laws governing this court's appellate jurisdiction.

Accordingly,

IT IS ORDERED THAT:

Absent a response received by this court within 14 days of the date of filing of this order, this appeal will be transferred to the United States Court of Appeals for the Seventh Circuit pursuant to 28 U.S.C. § 1631.

FOR THE COURT

SEP 05 2012

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: Gregory M. Weber, Esq.
Sylvester Thomas

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FILED
U.S. COURT OF APPEALS FOR
THE FEDERAL CIRCUIT

SEP 05 2012

JAN HORBALY
CLERK