

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

UNITED STATES OF AMERICA ex rel.)	
KEVIN WILLIAMS (#R26594),)	
)	
Petitioner,)	
)	
v.)	Case No. 15 C 3183
)	
RANDY PFISTER , Warden,)	
Pontiac Correctional Center,)	
)	
Respondent.)	

MEMORANDUM ORDER

Although this action brought by Kevin Williams ("Williams") to invoke 28 U.S.C. § 2254¹ to obtain federal habeas relief has traveled a rocky road due to problems created by Williams himself,² the most recent problem that has prompted this memorandum order is not at all of his doing. Instead that current problem stems from the next-discussed administrative glitch.

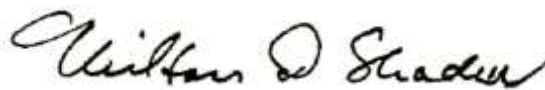
On October 7 the Clerk's Office received a self-prepared hand-printed document that, although it was captioned "In the United States Court of Appeals for the Seventh Circuit," bore only District Court Case No. 15 C 3183 and was headed "Pro Se Petitioner-Appellant's Motion for Extension of Time To File Notice of Appeal." It appears that Williams submitted only the

¹ All further references to Title 28's provisions will simply take the form "Section --," omitting the prefatory "28 U.S.C. §."

² For present purposes it is unnecessary to cite or provide any detail as to this Court's numerous earlier memorandum orders and memorandum opinions that have led to the action's being characterized as "snake bitten" in some of those judicial documents.

original of that document (see the attached copy of page 4 of Dkt. No. 43 in this District Court),³ which was initially directed to and received in the Seventh Circuit's Clerk's Office and was then delivered to and filed in the District Court, but there the document simply sat, without any transmittal of a copy to this Court's chambers for its attention. As a result of that gap in administrative handling (a subject that this Court is now seeking to have addressed by the Clerk's Office), Williams' motion did not come to this Court's attention until late last week, when it had occasion to order and obtain a printed Motions Report covering pending motions in all cases assigned to its calendar.

Because it appears that Williams' motion for extension, when filed on October 7, was timely under Fed. R. App. P. 4(a)(5)(A), and to avoid any possible adverse effect stemming from the above-described delay that was ascribable neither to Williams nor to this Court, this Court orders that the motion (Dkt. No. 43, a copy of which is attached) be treated as Williams' actual Notice of Appeal. That will enable his appeal to go forward, although this Court expresses no view as to its merits other than those stated in its earlier memorandum orders and memorandum opinions at this District Court level.



Milton I. Shadur
Senior United States District Judge

Date: October 27, 2015

³ This District Court's LR 5.2(f) requires the delivery of a paper copy of all filings to any District Judge who opts for that procedure (a "dealer's choice" election adopted by the District Court after full discussion), but of course nonlawyers such as Williams cannot be expected to be aware of that LR and its mandate to transmit a paper copy directly to the District Judge involved.

Original

IN THE
UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

United States of America et al.
KEVIN WILLIAMS, R26594,

Petitioner-Appellant,

v.

Randy Pfister, Warden,
Pontiac Correctional Center,

Respondent-Appellee.

U.S.C.A. - 7th Circuit
RECEIVED

OCT - 7 2015 EF

GINO J. AGNELLO
CLERK

CASE NO. 15 C 3183

FILED

OCT 07 2015 ew

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

PRO SE Petitioner-Appellant's Motion For
Extension OF Time to File NOTICE OF APPEAL

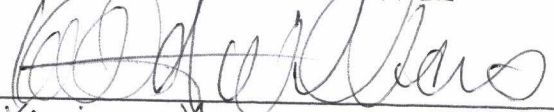
NOW Comes the Pro SE Petitioner-Appellant
Kevin Williams, Pursuant to FRAP 4(a)(5) or 4(b), Request For
AN EXTENSION OF TIME to File NOTICE OF APPEAL For the Following
REASONS:

1. Petitioner-Appellant was denied Habeas Corpus Relief under 28 U.S.C. § 2254 on September 1, 2015
2. Petitioner-Appellant was also denied Habeas Corpus Relief Pursuant to Federal Rules of Civil Procedure 59(e) on September 18, 2015
3. That a NOTICE OF APPEAL was due to be filed on or about October 18, 2015.
4. That on October 4, 2015, Pontiac Correctional Center went on an Administrative Lock Down AND INOC officials HAVE ADVISED Petitioner-Appellant that they ARE NOT SURE OF THE DATE in which the LOCK DOWN will be OVER.
5. That Petitioner-Appellant, due to the Administrative Lock Down, is NOT ABLE to get to the Law Library to get into his legal boxes AND PREPARE A NOTICE OF APPEAL, Certificate of Appealability, Motion For Informa PAUPERIS, AND Docketing Statement.

6. That Petitioner-Appellant Request A thirty (30) day Extension of time until November 18, 2015 to file A Notice of APPEAL AND ACCOMPANYING DOCUMENTS.

Date: October 4, 2015

Respectfully Submitted

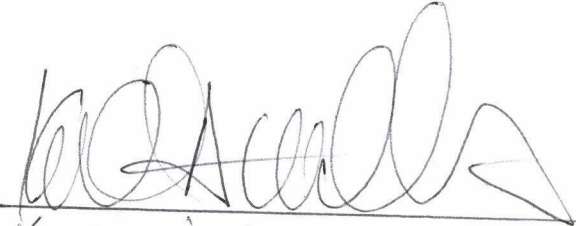


Kevin Williams - R26594
PRO SE Petitioner-Appellant
Pontiac Correctional Center
P. O. Box 99
Pontiac, Illinois 61764

Certificate of Service

I hereby certify that on October 4, 2015, I served via regular mail to Respondent-Appellee's Attorney a copy of "Pro Se Petitioner - Appellant's Motion For Extension of Time to File Notice of Appeal" at the following address by depositing the same in the U.S. Mail via the Pontiac Correctional Center's mail room (Prison Mailbox Rule), located at P.O. Box 99, Pontiac, Illinois 61764 with proper postage. Under Penalties as provided by law pursuant to 735 ILCS 5/1-109, I certify that the statements set forth herein are true and correct.

ERICA SEIBWEN, BAR NO. 6287357
Assistant Attorney General
100 W. RANDOLPH Street 2nd Floor
CHICAGO, Illinois 60601


Kevin Williams

October 4, 2015

To: Office of the Clerk
United States Court of Appeals
For the Seventh Circuit
219 S. Dearborn Street
Chicago, Illinois 60604-1874

U.S. CA - 7th Circuit
RECEIVED

OCT - 7 2015 EF

GINO J. AGNELLO
CLERK

FILED

OCT 07 2015

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

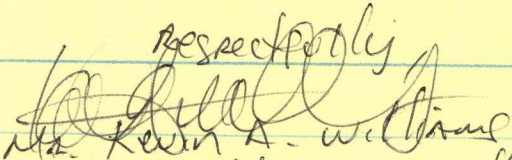
From: Kevin Williams - R26594
Pontiac Correctional Center
P. O. Box 99
Pontiac, Illinois 61764

SUBJECT/RE: Pro se Petitioner-Appellant's
request for filing a motion for
extension of time

Dear Clerk;

I am the Pro se Petitioner-Appellant in this
case. Please find enclosed my original Pro se
Petitioner-Appellant's motion for extension of time
to file notice of appeal and the Certificate of
Service.

cc: kaw/ legal file

Respectfully,

Mr. Kevin A. Williams
Pro se Petitioner-Appellant

Mr. Kevin A. Williams - 726594
Pontiac Correctional Center
P.O. Box 99
Pontiac, Illinois 61764

CORRESPONDENCE
FROM AN INMATE OF
ILLINOIS DEPT
OF CORRECTIONS

Hasler
10/05/2015
FIRST-CLASS MAIL
US POSTAGE \$000.48⁵

USDC



ZIP 61764
ID# 603888

To: OFFICE OF THE CLERK
UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT
219 S. Dearborn Street
CHICAGO, Illinois 60604-1874

'LEGAL MAIL'



6060431874

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SFA
MA

U.S. District Court
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DCT - 7 2015
GINO J. AGNELLO
CLERK