

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

JESSE HARDY SWINSON, III,

Petitioner,

v.

Case Nos. 14-C-484
14-C-774
14-C-1297

TIM HAINES, Warden

Respondent.

ORDER GRANTING MOTION FOR EXTENSION OF TIME AND CLARIFICATION

Counsel for the respondent in the above matter has filed a motion seeking clarification and/or an extension of time in the above matters. Specifically, counsel indicates that the multiple briefs petitioner has filed in the consolidated matters are incomprehensible and unduly lengthy. He requests that the Court either direct Petitioner to file a replacement brief or clarify what the Respondent's obligations are.

Petitioner was allowed to proceed on his claim that the Respondent's failure to release him under the state's Early Release Program violates the *ex post facto* clause of the Constitution and denied him equal protection and due process. In essence, Petitioner believes that the Early Release Program granted him a liberty interest in early release if he met the criteria of the statute. He appears to claim that he did meet the criteria, but has been denied early release either because the law was later changed or due to the arbitrary and unfair decision of the state parole authorities.

Admittedly, Petitioner's allegations are less than clear. This, however, is the Court's general understanding of his allegations. Respondent should address these allegations in a brief to be filed on or before June 17, 2015. Petitioner must file his reply, then on or before July 17, 2015. The

reply may not exceed 15 pages. Unless the Court concludes that further briefing or argument is necessary, it will then proceed to disposition of the case. Petitioner's motion for judicial notice (ECF No. 29) is denied. To the extent this constitutes simply a replacement brief, it is already part of the record. Petitioner's Motion for an Extension of Time and Clarification are granted as set forth herein.

Dated this 17th day of April, 2015.

s/ William C. Griesbach
William C. Griesbach, Chief Judge
United States District Court