

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

**CARL J. JOHNSON, JR.,
Petitioner,**

v.

Case No. 09-C-0849

**ROBERT HUMPHREYS, Warden,
Racine Correctional Institution,
Respondent.**

ORDER

On September 2, 2009, Carl J. Johnson, Jr. filed this petition pursuant to 28 U.S.C. § 2254, asserting that his state court conviction and sentence were imposed in violation of the Constitution. In an order dated September 24, 2009, I noted that it appeared that petitioner was not entitled to habeas relief because the petition was untimely by more than twelve years, 28 U.S.C. § 2244(d), and I provided petitioner with thirty days to file a statement arguing that his petition was timely. On October 27, 2009, petitioner requested a thirty-day extension to file his statement, and I granted his request. However, petitioner did not file his statement by the extended deadline.

On January 4, 2010, I issued an order stating that if petitioner did not file his statement by February 1, 2010, I would dismiss the petition as untimely. Once again, the deadline has passed and plaintiff has not filed any statement in support of his petition. I thus conclude that petitioner concedes that his petition is untimely.

THEREFORE, IT IS ORDERED that the petition is **DISMISSED** as untimely. The clerk of court shall enter final judgment.

Dated at Milwaukee, Wisconsin, this 10 day of February, 2010.

/s

LYNN ADELMAN

District Judge