

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

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**IVEN LEE CALDWELL,**

Petitioner,

-vs-

**Case No. 15-C-293**

**BYRAN BARTOW,**

Director, Wisconsin Resource Center,

Respondent.

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**DECISION AND ORDER**

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Pro se Petitioner Iven Lee Caldwell (“Caldwell”) has filed a motion to stay the Rule Four screening order and for an extension of time until August 3, 2015, to amend his petition and exhibits. (ECF No. 28.)

Caldwell’s motion establishes “good cause” for an extension of time to amend his petition and exhibits. Caldwell is advised that the amended petition will supersede the prior petition and must be complete in itself. *See Duda v. Bd. of Educ. of Franklin Park Pub. Sch. Dist. No. 84*, 133 F.3d 1054, 1056-57 (7th Cir. 1998); *See also Flannery v. Recording Indus. Ass’n of Am.*, 354 F.3d 632, 638 n.1 (7th Cir. 2004). In such instances, the “prior pleading is in effect withdrawn as to all matters not restated in the amended pleading[.]” *Duda*, 133 F.3d at 1057 (citation omitted). To amend his petition, Caldwell must file an amended petition that includes all the

original allegations that he intends to pursue in this action, exhibits that he wants to attach, and the added claims and/or exhibits. Furthermore, the screening of Caldwell's petition will be stayed until the August 3 deadline for filing his amended petition and exhibits. Caldwell has not established a basis for any longer stay.

**NOW, THEREFORE, BASED ON THE FOREGOING, IT IS HEREBY ORDERED THAT:**

Caldwell's motion for an extension of time and stay is **GRANTED** to the extent that he may file an amended § 2254 petition and exhibits **no later than August 3, 2015**, and the screening of his petition will be stayed until such date.

Dated at Milwaukee, Wisconsin, this 10th day of July, 2015.

**BY THE COURT:**

  
**HON. RUDOLPH T. RANDA**  
**U.S. District Judge**