

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

IVEN LEE CALDWELL,

Petitioner,

-vs-

Case No. 15-C-293

BYRAN BARTOW,
Director of Wisconsin Resource Center,

Respondent.

DECISION AND ORDER

Petitioner Iven Lee Caldwell, an inmate at the Wisconsin Resource Center, has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 challenging his April 4, 2011, conviction by the Milwaukee County Circuit Court following a plea of nolo contendere to first-degree intentional homicide. Caldwell has paid the \$5.00 filing fee. Under Rule 4 Governing § 2254 Cases in the United States District Courts this Court must determine whether the action is plainly without merit. Unless plainly without merit, Director Byran Bartow should be required to answer.

Here, Caldwell alleges that he is in custody pursuant to the conviction he challenges and he raises arguable constitutional claims. Therefore, Bartow will be required to file an answer to the instant petition which must conform to the requirements of Rule 5 of the Rules Governing § 2254 Cases in the

District Courts. Because the motion includes allegations of ineffective assistance of trial counsel and appellate counsel, the Court will direct the Clerk of Court to send a copy of this Order to Caldwell's state court attorneys and afford them an opportunity to respond.

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

The Clerk of Court is directed to send a copy of this Decision and Order to trial and appellate counsel.

On or before August 15, 2016, Bartow **MUST FILE** an answer to the instant petition;

Defense counsel may file a response to the motion **on or before September 15, 2016**; and

Any reply **MUST BE FILED** by Caldwell and/or Bartow **on or before October 17, 2016**.

Dated at Milwaukee, Wisconsin, this 15th day of June, 2016.

BY THE COURT:


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