

**U.S. District Court
Western District of Wisconsin (Madison)
CIVIL DOCKET FOR CASE #: 3:10-cv-00556-wmc**

Swanson, Michael v. Werlinger, Robert
Assigned to: District Judge William M. Conley
Referred to: Magistrate Judge Stephen L. Crocker
Case in other court: 11-02864
Cause: 28:2241 Petition for Writ of Habeas Corpus (federa

Date Filed: 09/27/2010
Date Terminated: 01/17/2014
Jury Demand: None
Nature of Suit: 530 Habeas Corpus
(General)
Jurisdiction: U.S. Government Defendant

Petitioner**Michael Swanson**

represented by **Michael Swanson**
17517-076
Pollock - USP
P.O. Box 2099
Pollock, LA 71467
PRO SE

V.

Respondent

Robert Werlinger
Warden, Federal Correctional Institution
- Oxford

represented by **Alice H. Green**
United States Attorney's Office
660 West Washington Avenue, #303
Madison, WI 53703
608-250-5477
Email: alice.green@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
|------------|----------|---|
| 09/27/2010 | <u>1</u> | Petition for Writ of Habeas Corpus – Federal, filed by Michael Swanson. (Case randomly assigned to District Judge William M. Conley.) (Attachments: # <u>1</u> Letter re: Filing Fee, # <u>2</u> Cover Letter and Envelope) (elc) (Entered: 09/27/2010) |
| 09/27/2010 | <u>2</u> | Brief in Support re: <u>1</u> Petition for Writ of Habeas Corpus – Federal filed by Michael Swanson. (elc),(ps) (Entered: 09/27/2010) |
| 10/04/2010 | | Filing fee received: \$ 5.00, receipt number 8877. (jef),(ps) (Entered: 10/04/2010) |
| 10/04/2010 | <u>3</u> | ORDER that petitioner may have until 10/22/2010 in which to submit a trust fund account statement or to pay the \$5 fee for filing his petition. Signed by District Judge William M. Conley on 10/4/2010. (jef),(ps) (Entered: 10/04/2010) |
| 10/12/2010 | <u>4</u> | Letter from Plaintiff regarding filing fee (Attachments: # <u>1</u> NEF re: filing fee, # <u>2</u> Envelope) (jas),(ps) (Entered: 10/12/2010) |
| 11/15/2010 | <u>5</u> | Letter from Plaintiff requesting status (Attachments: # <u>1</u> Envelope) (jas),(ps) (Entered: 11/15/2010) |
| 11/16/2010 | <u>6</u> | Letter from court in response to <u>5</u> Letter from Plaintiff requesting status. (elc),(ps) (Entered: 11/16/2010) |
| 01/04/2011 | <u>7</u> | Motion for Ruling on Petitioner's 2241 Petition by Petitioner Michael Swanson. (Attachments: # <u>1</u> Envelope) (jas),(ps) (Entered: 01/04/2011) |

| | | |
|------------|-----------|--|
| 01/04/2011 | <u>8</u> | Letter from court in response to <u>7</u> Motion for Ruling on Petitioner's 2241 Petition by Petitioner Michael Swanson. (elc),(ps) (Entered: 01/04/2011) |
| 03/28/2011 | <u>9</u> | Letter Requesting Status Update by Petitioner Michael Swanson. (Attachments: # <u>1</u> Envelope) (jas),(ps) (Entered: 03/28/2011) |
| 03/30/2011 | <u>10</u> | Letter from court in response to <u>9</u> Letter Requesting Status Update by Petitioner Michael Swanson. (elc),(ps) (Entered: 03/30/2011) |
| 04/12/2011 | <u>11</u> | Letter of correction from petitioner re: <u>2</u> Brief in Support re: Petition for Writ of Habeas Corpus – Federal. (Attachments: # <u>1</u> Pages 4–5 of 5/13/2002 Order referred to in Brief in Support, # <u>2</u> Envelope) (elc),(ps) (Entered: 04/12/2011) |
| 04/12/2011 | <u>12</u> | Letter from petitioner re: <u>1</u> Petition for Writ of Habeas Corpus – Federal. (elc),(ps) (Entered: 04/13/2011) |
| 04/29/2011 | <u>13</u> | ORDER dismissing petitioner Michael Swanson's <u>1</u> Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241. Signed by District Judge William M. Conley on 4/27/2011. (jef),(ps) (Entered: 04/29/2011) |
| 05/02/2011 | <u>14</u> | JUDGMENT entered dismissing <u>1</u> Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241. (PAO). (jef),(ps) (Entered: 05/02/2011) |
| 05/05/2011 | <u>15</u> | USCA Notice of Petition for Writ of Mandamus filed by Michael Swanson; USCA case no. 11–2027. (Attachments: # <u>1</u> Notice of docketing, # <u>2</u> Fee notice, # <u>3</u> Petition for Writ of Mandamus) (jef),(ps) (Entered: 05/05/2011) |
| 05/06/2011 | <u>16</u> | USCA ORDER dismissing the <u>15</u> petition for writ of mandamus as unnecessary. (jef),(ps) (Entered: 05/06/2011) |
| 05/18/2011 | <u>17</u> | Motion for Reconsideration re <u>13</u> Order on Petition for Writ of Habeas Corpus by Petitioner Michael Swanson. (Attachments: # <u>1</u> Exhibits in Support, # <u>2</u> Envelope) (jas),(ps) (Entered: 05/18/2011) |
| 06/22/2011 | <u>18</u> | Letter dated June 20, 2011 from Plaintiff Michael Swanson.(Attachments: # <u>1</u> Envelope) (lak),(ps) (Entered: 06/22/2011) |
| 06/24/2011 | <u>19</u> | Response from the court to <u>18</u> Letter dated June 20, 2011 from Plaintiff Michael Swanson. (jef),(ps) (Entered: 06/24/2011) |
| 07/05/2011 | <u>20</u> | Motion to Supplement <u>17</u> Motion for Reconsideration re <u>13</u> Order on Petition for Writ of Habeas Corpus by Petitioner Michael Swanson. Motions referred to Magistrate Judge Stephen L. Crocker. (Attachments: # <u>1</u> Supplemental Authority, # <u>2</u> Certificate of Service, # <u>3</u> Envelope) (jas),(ps) (Entered: 07/06/2011) |
| 08/01/2011 | <u>21</u> | Motion to Appoint Counsel by Petitioner Michael Swanson. (Attachments: # <u>1</u> Certificate of Service, # <u>2</u> Envelope) (elc),(ps) (Entered: 08/01/2011) |
| 08/05/2011 | <u>22</u> | ORDER denying <u>17</u> Motion for Reconsideration ; denying as moot <u>21</u> Motion to Appoint Counsel. Signed by District Judge William M. Conley on 8/5/11. (elc),(ps) (Entered: 08/05/2011) |
| 08/15/2011 | <u>23</u> | NOTICE OF APPEAL by Petitioner Michael Swanson as to <u>22</u> Order, <u>14</u> Judgment, <u>13</u> Order. In forma pauperis requested. No Docketing Statement filed. (Attachments: # <u>1</u> Order, 4/27/11, # <u>2</u> Order, 8/5/11, # <u>3</u> Envelope) (jef),(ps) (Entered: 08/15/2011) |
| 08/15/2011 | <u>24</u> | Motion for Leave to Proceed in forma pauperis on Appeal by Petitioner Michael Swanson. (jef),(ps) (Entered: 08/15/2011) |

| | | |
|------------|-----------|---|
| 08/15/2011 | <u>25</u> | Prisoner Trust Fund Account Statement by Petitioner Michael Swanson. (jef),(ps) (Entered: 08/15/2011) |
| 08/15/2011 | <u>26</u> | Appeal Information Packet (mmo),(ps) (Entered: 08/15/2011) |
| 08/15/2011 | <u>27</u> | Transmission of Notice of Appeal, Appeal Information Sheet, Docket Sheet and Judgment to US Court of Appeals re <u>23</u> Notice of Appeal (Attachments: # <u>1</u> Info sheet, # <u>2</u> Order 13, # <u>3</u> Judgment, # <u>4</u> Order 22, # <u>5</u> Docket sheet) (mmo),(ps) (Entered: 08/15/2011) |
| 08/17/2011 | | USCA Case Number 11-2864 for <u>23</u> Notice of Appeal filed by Michael Swanson. (elc),(ps) (Entered: 08/17/2011) |
| 08/22/2011 | <u>28</u> | Petition for Custody or Release of a Prisoner in a Habeas Corpus Proceeding by Petitioner Michael Swanson. (Attachments: # <u>1</u> Envelope) (elc),(ps) (Entered: 08/22/2011) |
| 08/26/2011 | <u>29</u> | Transcript Request Form by Petitioner Michael Swanson re <u>23</u> Notice of Appeal. (Attachments: # <u>1</u> Envelope) (jef),(ps) Forwarded to court reporters. (jef) (Entered: 08/26/2011) |
| 09/07/2011 | <u>30</u> | ORDER denying petitioner's <u>28</u> Motion for Custody or Release of a Prisoner in a Habeas Corpus Proceeding; granting petitioner's <u>24</u> Motion for Leave to Appeal in forma pauperis. Petitioner may have until September 28, 2011 to submit the \$28.80 initial partial appeal payment. Signed by District Judge William M. Conley on 9/7/2011. (jef),(ps) (Entered: 09/07/2011) |
| 09/27/2011 | | USCA initial partial appeal fee received: \$ 29.00, receipt number 12176 re <u>23</u> Notice of Appeal filed by Michael Swanson. (jef),(ps) (Entered: 09/27/2011) |
| 10/04/2011 | <u>31</u> | ORDER from USCA denying petitioner/appellant's petitions for custody or release of a prisoner in a habeas corpus proceeding filed in the Seventh Circuit on September 21, 2011 and October 3, 2011 as to <u>23</u> Notice of Appeal filed by Michael Swanson. (jef),(ps) (Entered: 10/04/2011) |
| 07/10/2012 | <u>32</u> | Letter Requesting Status Update by Petitioner Michael Swanson. (Attachments: # <u>1</u> Envelope) (elc),(ps) (Entered: 07/10/2012) |
| 07/10/2012 | <u>33</u> | Letter from court in response to <u>32</u> Letter Requesting Status Update by Petitioner Michael Swanson. (elc),(ps) (Entered: 07/10/2012) |
| 11/02/2012 | <u>34</u> | Copy of letter from respondent's counsel to petitioner Michael Swanson. (Attachments: # <u>1</u> Letter from petitioner Swanson, # <u>2</u> Cover Letter) (jef),(ps) (Entered: 11/02/2012) |
| 12/10/2012 | <u>35</u> | ORDER from USCA that district court judgment denying the petition for writ of habeas corpus is vacated and the case is remanded to the district court for reconsideration under Brown v. Rios, No. 111695, 2012 WL 3554093 (7th Cir. 2012) as to <u>23</u> Notice of Appeal filed by Michael Swanson. No record to be returned. Case reopened. (Attachments: # <u>1</u> Mandate) (elc),(ps) (Entered: 12/10/2012) |
| 01/08/2013 | <u>36</u> | Motion to Appoint Counsel by Petitioner Michael Swanson. (Attachments: # <u>1</u> Envelope) (jef),(ps) (Entered: 01/08/2013) |
| 02/06/2013 | <u>37</u> | Brief in support by Petitioner Michael Swanson. (Attachments: # <u>1</u> Exhibit A - Excerpt from order, # <u>2</u> Exhibit B - Excerpt from transcript, # <u>3</u> Exhibit C - Excerpt from order, # <u>4</u> Exhibit D - Westlaw, Carey v. K-Way, Inc, et al., # <u>5</u> Exhibit E - Westlaw, People v. Posie Jones, # <u>6</u> Exhibit F - Westlaw, People v. Harry Satterthwaite, # <u>7</u> Exhibit G - Westlaw, People v. Larry Warner, # <u>8</u> Exhibit H - Westlaw, People v. Bowen, # <u>9</u> Exhibit I - Westlaw, People v. Brians, |

| | | |
|------------|-----------|---|
| | | # <u>10</u> Exhibit J –Excerpt from 02–2190, # <u>11</u> Exhibit K – Excerpt ILCS Act 45 – Crime Victims Compensation Act, # <u>12</u> Cover Letter, # <u>13</u> Envelope) (jef),(ps) Modified docket text on 4/1/2013 (elc). (Entered: 02/06/2013) |
| 02/06/2013 | <u>38</u> | Letter from court returning a copy of <u>37</u> motion to plaintiff. (jef),(ps) (Entered: 02/06/2013) |
| 02/25/2013 | <u>39</u> | Letter Requesting Status Update on Motion for appointment of counsel by Petitioner Michael Swanson. (Attachments: # <u>1</u> Envelope) (elc),(ps) (Entered: 02/25/2013) |
| 02/25/2013 | <u>40</u> | Letter from court in response to <u>39</u> Letter Requesting Status Update on Motion for appointment of counsel by Petitioner Michael Swanson. (elc),(ps) (Entered: 02/25/2013) |
| 03/20/2013 | <u>41</u> | Letter from Petitioner in support of Petition for Writ of Habeas Corpus. (Attachments: # <u>1</u> Envelope) (elc),(ps) (Entered: 03/20/2013) |
| 04/02/2013 | <u>42</u> | Order to Show Cause Issued. Materials delivered to Respondent via U.S. Postal service certified mail. Petitioner's <u>36</u> Motion to Appoint Counsel is denied. Signed by District Judge William M. Conley on 4/2/2013. (jef),(ps) (Entered: 04/02/2013) |
| 04/05/2013 | <u>43</u> | Certified Mail Receipt sent to Assistant U.S. Attorney and Warden Werlinger. (Attachments: # <u>1</u> Certified mail return receipt as to Warden) (jef),(ps) (Additional attachment(s) added on 4/9/2013: # <u>2</u> Certified mail return receipt as to U.S. Attorney) (jef). (Entered: 04/08/2013) |
| 04/29/2013 | <u>44</u> | Letter from petitioner requesting names of prosecutor and attorney for Warden. (Attachments: # <u>1</u> Envelope) (elc),(ps) (Entered: 04/29/2013) |
| 05/08/2013 | <u>45</u> | Copy of unsigned letter sent to attorneys Alice Green and Leslie Herje from petitioner. (Attachments: # <u>1</u> Envelope) (jef),(ps) (Entered: 05/08/2013) |
| 06/03/2013 | <u>46</u> | Response to <u>36</u> Motion to Appoint Counsel, <u>37</u> Motion for Reconsideration, <u>1</u> Petition for Writ of Habeas Corpus – Federal by Respondent Robert Werlinger. (Attachments: # <u>1</u> Exhibit A – State Conviction Documents, # <u>2</u> Exhibit B – 2255 Motion, # <u>3</u> Exhibit C – 2255 Memorandum, # <u>4</u> Exhibit D – 2255 Order, # <u>5</u> Certificate of Service) (Green, Alice),(ps) Modified exhibit letters on 6/4/2013 (mmo). (Entered: 06/03/2013) |
| 06/12/2013 | <u>47</u> | Motion for Assistance in Recruiting Counsel by Petitioner Michael Swanson. (Attachments: # <u>1</u> Certificate of Service, # <u>2</u> Envelope) (jaf),(ps) (Entered: 06/12/2013) |
| 07/10/2013 | <u>48</u> | Motion for Extension of Time and Notice of Change of Address by Petitioner Michael Swanson. (Attachments: # <u>1</u> Envelope) (jef),(ps) (Entered: 07/10/2013) |
| 07/11/2013 | <u>49</u> | Motion to Supplement Descamps v. United States to Petitioners s. 2241 Motion by Petitioner Michael Swanson. Motions referred to Stephen L. Crocker. (Attachments: # <u>1</u> Envelope) (jaf),(ps) (Entered: 07/11/2013) |
| 07/12/2013 | <u>50</u> | ORDER denying <u>47</u> Motion for Assistance in Recruiting Counsel; granting <u>48</u> Motion for Extension of Time (Brief in Reply due 8/9/2013); granting <u>49</u> Motion to supplement with additional authority. Signed by District Judge William M. Conley on 7/12/2013. (jef),(ps) (Main Document 50 replaced on 7/25/2013) (jef). (Entered: 07/12/2013) |

| | | |
|------------|-----------|---|
| 07/24/2013 | <u>51</u> | Brief in Reply by Petitioner Michael Swanson in Support of <u>1</u> Petition for Writ of Habeas Corpus. (Attachments: # <u>1</u> Envelope) (jef),(ps) (Entered: 07/25/2013) |
| 08/07/2013 | <u>52</u> | Affidavit of Michael Swanson re: <u>1</u> Petition for Writ of Habeas Corpus (Attachments: # <u>1</u> Certificate of Service, # <u>2</u> Envelope) (elc),(ps) (Entered: 08/07/2013) |
| 08/19/2013 | <u>53</u> | Request for issuance of an order directing respondent to release property to petitioner filed by Petitioner Michael Swanson. (Attachments: # <u>1</u> Envelope) (elc),(ps) (Entered: 08/19/2013) |
| 10/18/2013 | <u>54</u> | Letter Requesting Status Update by Petitioner Michael Swanson. (jef),(ps) (Entered: 10/21/2013) |
| 10/21/2013 | <u>55</u> | Letter from the Clerk's Office in response to <u>54</u> Letter Requesting Status Update by Petitioner Michael Swanson. (jef),(ps) (Entered: 10/21/2013) |
| 11/12/2013 | <u>56</u> | Notice of Change of Address by Petitioner Michael Swanson (Attachments: # <u>1</u> Envelope) (jaf),(ps) (Entered: 11/12/2013) |
| 12/09/2013 | <u>57</u> | Motion for Ruling on <u>1</u> Petition for Writ of Habeas Corpus filed by Michael Swanson by Petitioner Michael Swanson. Motions referred to Stephen L. Crocker. (Attachments: # <u>1</u> Certificate of Service, # <u>2</u> Envelope) (jaf),(ps) Modified on 12/10/2013 (jaf). (Entered: 12/10/2013) |
| 12/09/2013 | <u>58</u> | Motion to Concede by Petitioner Michael Swanson. (jaf),(ps) Modified on 12/10/2013 (jaf). (Entered: 12/10/2013) |
| 01/14/2014 | <u>59</u> | Notice of Case Opening from the United States Court of Appeals; Appellate Case no. 14-1079. (Attachments: # <u>1</u> Petition for a Writ of Mandamus, # <u>2</u> Notice of docketing, # <u>3</u> Fee notice) (jef),(ps) (Main Document 59 replaced on 1/14/2014) (jef). (Entered: 01/14/2014) |
| 01/17/2014 | <u>60</u> | ORDER dismissing <u>1</u> Petition for Writ of Habeas Corpus; denying as moot <u>57</u> Motion for Ruling ; denying as moot <u>58</u> Motion to Concede. Signed by District Judge William M. Conley on 1/17/2014. (jef),(ps) (Entered: 01/17/2014) |
| 01/17/2014 | <u>61</u> | JUDGMENT dismissing the petition filed by Michael Swanson for a writ of habeas corpus under 28 U.S.C. § 2241. (PAO/jef). (jef),(ps) (Entered: 01/17/2014) |
| 01/27/2014 | <u>62</u> | ORDER from USCA denying petition for writ of mandamus. (jef),(ps) (Entered: 01/27/2014) |
| 01/30/2014 | <u>63</u> | Motion for Reconsideration re <u>60</u> Order on Motion for Ruling, Order on Motion for Miscellaneous Relief, Order on Petition for Writ of Habeas Corpus by Petitioner Michael Swanson. (Attachments: # <u>1</u> Cover Letter) (jaf),(ps) (Entered: 01/30/2014) |
| 01/31/2014 | <u>64</u> | ORDER denying petitioner's <u>63</u> Motion for Reconsideration. Signed by District Judge William M. Conley on 1/31/2014. (elc),(ps) (Entered: 01/31/2014) |
| 02/11/2014 | <u>65</u> | NOTICE OF APPEAL by Petitioner Michael Swanson as to <u>61</u> Judgment, <u>60</u> Order, <u>64</u> Order on Motion for Reconsideration. In forma pauperis requested. No Docketing Statement filed. (Attachments: # <u>1</u> Envelope) (jef),(ps) (Entered: 02/11/2014) |
| 02/11/2014 | <u>66</u> | Motion for Leave to Proceed in forma pauperis on Appeal by Petitioner Michael Swanson. (jef),(ps) (Entered: 02/11/2014) |
| 02/11/2014 | <u>67</u> | Financial Affidavit filed by Petitioner Michael Swanson re: <u>66</u> Motion for Leave to Proceed In Forma Pauperis on Appeal. (jef),(ps) (Entered: 02/11/2014) |
| 02/11/2014 | <u>68</u> | Appeal Information Packet. (jef),(ps) (Entered: 02/11/2014) |