

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

THOMAS L. MCCANTS,
Petitioner-Appellant,

v.

District Court Case No. 11-CV-16-wmc

WILLIAM POLLARD,
Respondent-Appellee.

DOCKETING STATEMENT

Petitioner, Thomas L. McCants, by the undersigned counsel, files this docketing statement in accord with Circuit Rules 3(c)(1) and 28(a).

A. Jurisdiction:

This is an appeal from the final judgment entered by the district court on December 4, 2013, dismissing the Mr. McCants's Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C. sec. 2254. The district court had jurisdiction over this federal action under 28 U.S.C. sec. 2241 and 2254. The court of appeals has jurisdiction to hear this appeal under 28 U.S.C. secs. 1291 and 2253 and FRAP 22(b).

B. Timeliness of Appeal:

1. Date Judgment entered: December 4, 2013
2. Date Notice of Appeal filed: January 2, 2014

3. There were no motions for a new trial or alternation of judgment or any other motion which would toll the time in which to appeal.

C. Finality of Order or Judgment:

The judgment being appealed is the denial of the Petitioner's Petition for Writ of Habeas Corpus under 28 U.S.C. sec. 2254.

D. Prior Related Proceedings:

There are no prior or related federal appellate proceedings in this case.

E. Nature of Case:

Petitioner filed in the district court a petition for writ of habeas corpus challenging the constitutionality of his state court conviction. The Petitioner is incarcerated and has been assigned DOC # 483009. He is presently in confined at Waupun Correctional Institution, P.O. Box 351, Waupun, WI 53963. William Pollard, Respondent, is the Warden at that institution.

Attorney Robert T. Ruth will handle this appeal.

Dated this 2nd day of January 2014.

/s/ Robert T. Ruth
Robert T. Ruth
Bar # 01021445

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CERTIFICATE OF SERVICE

I hereby certify that I served a true copy of this docketing state on the respondent, a CM/ECF participant, by uploading said document on CM/ECF.

Dated this 2nd day of January 2014.

Respectfully submitted,

/s/ Robert T. Ruth
Robert T. Ruth