

**U.S. District Court
Western District of Wisconsin (Madison)
CIVIL DOCKET FOR CASE #: 3:11-cv-00016-wmc**

Mccants, Thomas v. Schwochert, James
Assigned to: District Judge William M. Conley
Referred to: Magistrate Judge Stephen L. Crocker
Cause: 28:2254 Petition for Writ of Habeas Corpus (State)

Date Filed: 01/07/2011
Date Terminated: 12/04/2013
Jury Demand: None
Nature of Suit: 530 Habeas Corpus
(General)
Jurisdiction: Federal Question

Petitioner

Thomas L. McCants

represented by **Robert Thomas Ruth**
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ATTORNEY TO BE NOTICED

V.

Respondent

James Schwochert
TERMINATED: 12/04/2013

represented by **Erik Kinnunen**
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TERMINATED: 10/17/2011








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TERMINATED: 06/14/2011









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Respondent**William Pollard**

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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
01/07/2011	 1	Petition for Writ of Habeas Corpus - State (Filing fee \$ 5 receipt number 34690009769.), filed by Thomas L. Mccants. (Case randomly assigned to District Judge William M. Conley.) (Attachments: # 1 Exhibit Attachment A - Facts supporting petition, # 2 Exhibit Attachment B - Circuit Court decision, # 3 Exhibit Attachment C - Court of Appeals Decision) (Ruth, Robert) (Entered: 01/07/2011)
05/20/2011	 2	Order to Show Cause Issued. Materials delivered to DOJ for service. Signed by Magistrate Judge Stephen L. Crocker on 5/20/2011. (jef),(ps) (Entered: 05/20/2011)
06/07/2011	 3	Acceptance of Service by DOJ on behalf of Respondent James Schwochert. (Weber, Gregory),(ps) (Entered: 06/07/2011)
06/10/2011	 4	Memorandum that for the remainder of this lawsuit petitioner need only send a copy of his filings in this case to the court pursuant to an informal service agreement with the Wisconsin Department of Justice. Signed by Magistrate Judge Stephen L. Crocker on 6/10/2011. (jef),(ps) (Entered: 06/10/2011)
06/13/2011	 5	Notice of Appearance filed by Erik Kinnunen for Respondent James Schwochert (Attachments: # 1 Certificate of Service Cert. Serv. NOA 6-13-11) (Kinnunen, Erik),(ps) (Entered: 06/13/2011)
06/20/2011	 6	Response to 1 Petition for Writ of Habeas Corpus - State by Respondent James Schwochert. (Attachments: # 1 Certificate of Service, # 2 Exhibit List) (Kinnunen, Erik),(ps) Modified exhibit descriptions on 6/21/2011; no exhibits attached. (mmo). (Entered: 06/20/2011)
06/20/2011		Set Deadlines as to 1 Petition for Writ of Habeas Corpus - State. Petitioner's Brief in Support due 7/20/2011. Respondent shall file a brief in opposition within 30 days after petitioner files his support brief. Petitioner shall have 20 days after respondent files its brief in which to file a reply brief. (elc),(ps) (Entered: 06/20/2011)

06/22/2011	 7	Exhibit to 6 Response to Habeas Petition, filed by James Schwochert (Attachments: # 1 Exhibit A-Judgment of Conviction, # 2 Exhibit B-McCants's Brief, # 3 Exhibit C-State's Brief, # 4 Exhibit D-McCants's Reply Brief, # 5 Exhibit E-Slip Op. Wis. Ct. Appeals, # 6 Exhibit F-McCants's Pet. for Review, # 7 Exhibit G-State's resp. to Pet. for Review, # 8 Exhibit H-Wis. Sup. Ct. order denying review) (Kinnunen, Erik),(ps) (Entered: 06/22/2011)
06/22/2011	 8	Exhibit to 6 Response to Habeas Petition, filed by James Schwochert (Attachments: # 1 Exhibit I-Initial Appearance 6-19-03, # 2 Exhibit J-Preliminary Hearing 7-15-03, # 3 Exhibit K-Preliminary Hearing 7-18-03, # 4 Exhibit L-Motion Hearing 9-16-03, # 5 Exhibit M-Motion Hearing 2-10-05, # 6 Exhibit N-Bail Hearing-6-21-05, # 7 Exhibit O-Motion Hearing 6-27-05) (Kinnunen, Erik),(ps) (Entered: 06/22/2011)
06/22/2011	 9	Exhibit to 6 Response to Habeas Petition, filed by James Schwochert (Attachments: # 1 Exhibit P-Jury Selection 7-11-05, # 2 Exhibit Ex. Q Jury Trial 7-12-05 1 of 3, # 3 Exhibit Ex. Q Jury Trial 7-12-05 2 of 3., # 4 Exhibit Ex. Q Jury Trial 7-12-05 3 of 3, # 5 Exhibit Ex. R Jury Trial 7-13-05 1 of 2, # 6 Exhibit Ex. R Jury Trial 7-13-05 2 of 2) (Kinnunen, Erik),(ps) (Entered: 06/22/2011)
06/22/2011	 10	Exhibit to 6 Response to Habeas Petition, filed by James Schwochert (Attachments: # 1 Exhibit Ex. S-Jury Trial 7-14-05 1 of 2, # 2 Exhibit Ex. S Jury Trial 7-14-05 2 of 2, # 3 Exhibit Ex. T. Jury Trial 7-15-05) (Kinnunen, Erik),(ps) (Entered: 06/22/2011)
06/22/2011	 11	Exhibit to 6 Response to Habeas Petition, filed by James Schwochert (Attachments: # 1 Exhibit EX. U 1 of 2 Jury Trial 7-18-05, # 2 Exhibit EX. U 2 of 2 Jury Trial 7-18-05) (Kinnunen, Erik),(ps) (Entered: 06/22/2011)
06/22/2011	 12	Exhibit to 6 Response to Habeas Petition, filed by James Schwochert (Attachments: # 1 Exhibit V - Jury Trial 7-19-05, Part 2, pages 71-131, # 2 Exhibit V - Jury Trial 7-19-05, Part 1, pages 1-70) (Kinnunen, Erik),(ps) Modified on 6/23/2011; corrected exhibit descriptions. (mmo). (Entered: 06/22/2011)
06/22/2011	 13	Exhibit to 6 Response to Habeas Petition, filed by James Schwochert (Attachments: # 1 Exhibit V - Jury Trial 7-19-05, Part 3, pages 132-240, # 2 Exhibit V - Jury Trial 7-19-05, Part 4, pages 241-325, # 3 Exhibit W - Jury Trial 7-20-05, Part 1 of 2, # 4 Exhibit W - Jury Trial 7-20-05, Part 2 of 2) (Kinnunen, Erik),(ps) Modified on 6/23/2011; corrected Exhibit V descriptions. (mmo). (Entered: 06/22/2011)
06/22/2011	 14	Exhibit to 6 Response to Habeas Petition, filed by James Schwochert (Attachments: # 1 Exhibit Ex. W Jury Trial 7-20-05 1 of 2,

		# 2 Exhibit Ex. W Jury Trial 7-20-05 2 of 2, # 3 Exhibit Ex. X Jury Trial 7-21-05 1 of 2, # 4 Exhibit Ex. X Jury Trial 7-21-05 2 of 2) (Kinnunen, Erik),(ps) (Entered: 06/22/2011)
06/22/2011	 15	Exhibit to 6 Response to Habeas Petition, filed by James Schwochert (Attachments: # 1 Exhibit EX. Y Jury Trial 7-22-05, # 2 Exhibit Ex. Z Sentencing Hearing 10-19-05, # 3 Exhibit EX. AA Evidentiary Hearing 9-27-07) (Kinnunen, Erik),(ps) (Entered: 06/22/2011)
07/18/2011	 16	Motion for Extension of Time <i>and certificate of service</i> by Petitioner Thomas L. McCants. Motions referred to Magistrate Judge Stephen L. Crocker. (Ruth, Robert),(ps) (Entered: 07/18/2011)
07/19/2011	 17	** TEXT ONLY ORDER ** ORDER granting 16 Motion for Extension of Time. Petitioner's Brief in Support due is due by 8/1/2011. Signed by Magistrate Judge Stephen L. Crocker on 7/19/2011. (elc),(ps) (Entered: 07/19/2011)
08/01/2011	 18	Brief in Support of 1 Petition for Writ of Habeas Corpus, <i>and certificate of service</i> by Petitioner Thomas L. McCants (Ruth, Robert),(ps) (Entered: 08/01/2011)
08/17/2011	 19	Motion for Extension of Time by Respondent James Schwochert. Motions referred to Magistrate Judge Stephen L. Crocker. (Attachments: # 1 Certificate of Service) (Kinnunen, Erik),(ps) (Entered: 08/17/2011)
08/17/2011	 20	** TEXT ONLY ORDER ** ORDER GRANTING Respondent's 19 Motion for Extension of Time. Respondent's Brief in Opposition is due September 20, 2011. Petitioner's brief in reply due is October 11, 2011. Signed by Magistrate Judge Stephen L. Crocker on 8/17/11. (elc),(ps) (Entered: 08/17/2011)
08/30/2011	 21	Motion for Extension of Time by Respondent James Schwochert. Motions referred to Magistrate Judge Stephen L. Crocker. (Attachments: # 1 Certificate of Service) (Kinnunen, Erik),(ps) (Entered: 08/30/2011)
08/30/2011	 22	** TEXT ONLY ORDER ** ORDER GRANTING 21 Motion for Extension of Time. Respondent's Brief in Opposition due 11/4/2011. Petitioner's Brief in Reply due 11/25/2011. Signed by Magistrate Judge Stephen L. Crocker on 8/30/11. (elc),(ps) (Entered: 08/30/2011)
10/17/2011	 23	Notice of Appearance <i>Thomas E. Dietrich</i> filed by Thomas E. Dietrich for Respondent James Schwochert (Attachments: # 1 Certificate of Service for Notice Of Appearance) (Dietrich, Thomas),(ps) (Entered: 10/17/2011)
11/02/2011	 24	Brief in Opposition by Respondent James Schwochert re: 1 Petition for Writ of Habeas Corpus, (Attachments: # 1 Certificate of Service) (Dietrich, Thomas),(ps) Modified on 11/3/2011; page numbers are out of order, but document is correct and complete.(mmo). (Entered: 11/02/2011)
11/28/2011	 25	Brief in Reply by Petitioner Thomas L. McCants in Support of 1 2254 <i>petition and certificate of service</i> (Ruth, Robert),(ps) Modified docket relationship on

		11/28/2011 (mmo). (Entered: 11/28/2011)
12/04/2013	 26	ORDER denying 1 Petition for Writ of Habeas Corpus and dismissing this case with prejudice. A certificate of appealability is denied. Signed by District Judge William M. Conley on 12/4/2013. (elc),(ps) (Entered: 12/04/2013)
12/04/2013	 27	JUDGMENT entered in favor of respondent William Pollard, denying petitioner Thomas L. McCants petition for a writ of habeas pursuant to 28 U.S.C. § 2254 and dismissing this case with prejudice. (PAO/EC) (elc),(ps) (Entered: 12/04/2013)
01/02/2014	 28	NOTICE OF APPEAL by Petitioner Thomas L. McCants as to 27 Judgment, 26 Order on Petition for Writ of Habeas Corpus. Filing fee of \$ 505, receipt number 25dpgucm paid. Docketing Statement filed. (Attachments: # 1 Docketing Statement) (Ruth, Robert),(ps) Modified on 1/3/2014. (lak) (Entered: 01/02/2014)
01/03/2014	 29	Appeal Information Packet. (elc),(ps) (Entered: 01/03/2014)