

**U.S. District Court  
Western District of Wisconsin (Madison)  
CIVIL DOCKET FOR CASE #: 3:11-cv-00799-wmc**

Ohlinger, John v. Pollard, William  
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: 11/30/2011  
Date Terminated: 04/06/2017  
Jury Demand: None  
Nature of Suit: 530 Habeas Corpus  
(General)  
Jurisdiction: Federal Question

**Petitioner****John David Ohlinger**

represented by **John David Ohlinger**  
002678  
Dodge Correctional Institution  
P.O. Box 700  
Waupun, WI 53963  
PRO SE

V.

**Respondent**

**Michael Meisner**  
*TERMINATED: 07/15/2014*

represented by **Gregory M. Weber**  
Wisconsin Department of Justice  
P.O. Box 7857  
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608-266-3935  
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*TERMINATED: 02/21/2014*

**Jacob Julian Wittwer**  
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*ATTORNEY TO BE NOTICED*

**Respondent**

**Michael Dittman**  
*Warden, Columbia Correctional  
Institution  
TERMINATED: 04/06/2017*

represented by **Jacob Julian Wittwer**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Respondent****William Pollard**

| Date Filed | #        | Docket Text  |
|------------|----------|--|
| 11/30/2011 | <u>1</u> | Petition for Writ of Habeas Corpus – State ( Filing fee \$ 5.00, receipt number 12688) filed by John David Ohlinger. (Case randomly assigned to District Judge William M. Conley.) (Attachments: # <u>1</u> Cover Letter, # <u>2</u> Racine County decision, 02cf224, # <u>3</u> Conviction, 7/25/06, # <u>4</u> Statutory definitions pertinent to this case federal and state, |

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|            |           | # <u>5</u> Envelope) (jef) (Entered: 12/02/2011)   |
| 11/30/2011 | <u>2</u>  | Brief in Support of <u>1</u> Petition for Writ of Habeas Corpus by Petitioner John David Ohlinger. (Attachments: # <u>1</u> Exhibit list, # <u>2</u> Exhibit 1 – Post–conviction motion transcript, # <u>3</u> Exhibit A – Evidence log sheets, # <u>4</u> Exhibit B – Motion to suppress evidence, # <u>5</u> Exhibit C – State petition and exhibits, # <u>6</u> Exhibit D – Response to petition, Wis. Ct. of Appeals, # <u>7</u> Exhibit D cont. – Reply, Wis. Ct. of Appeals, # <u>8</u> Exhibit D(1) – Wis. Appeals Ct. order, # <u>9</u> Exhibit E – Wis. Supreme Ct. order, 9/11/11, # <u>10</u> Exhibit E cont. – Reply to post–conviction motion, # <u>11</u> Cover letter to Racine County) (jef),(ps) (Entered: 12/02/2011)  |
| 12/14/2011 | <u>3</u>  | Motion for stay and abeyance by Petitioner John David Ohlinger. (Attachments: # <u>1</u> Cover Letter, # <u>2</u> Envelope) (jef: cc/ plaintiff's copy in envelope provided),(ps) (Entered: 12/14/2011)  |
| 08/22/2012 | <u>4</u>  | ORDER granting petitioner's <u>3</u> motion to stay and abate. The clerk's office is directed to stay and administratively close this case. If Ohlinger wishes to proceed in this case, he must advise the court in writing by filing a "Motion to Reinstate" this action within 45 days of the date that the Wisconsin Supreme Court issues its final decision on his pending claims. Signed by District Judge William M. Conley on 8/22/2012. (jef),(ps) (Entered: 08/22/2012)   |
| 11/12/2013 | <u>5</u>  | Motion to Reinstate by Petitioner John David Ohlinger. (Attachments: # <u>1</u> Trust Fund Account Statement ( <u>Sealed</u> ), # <u>2</u> State Supreme Court Decision, # <u>3</u> Envelope) (jaf),(ps) (Entered: 11/12/2013)   |
| 11/13/2013 | <u>6</u>  | ORDER granting petitioner's <u>5</u> Motion to Reinstate. Petitioner's motion for leave to file a supplemental brief in support of his claims is also GRANTED with the following additional instruction: Any supplemental brief submitted must list all of petitioner's proposed grounds for relief in this case. Petitioner shall file that supplemental brief no later than December 23, 2013. Signed by District Judge William M. Conley on 11/13/2013. (jef),(ps) (Entered: 11/13/2013)  |
| 11/19/2013 | <u>7</u>  | Motion for Clarification re <u>6</u> Order on Motion for Miscellaneous Relief, by Petitioner John David Ohlinger. (Attachments: # <u>1</u> Envelope) (jaf),(ps) (Entered: 11/19/2013)  |
| 11/19/2013 | 8         | ** TEXT ONLY ORDER **<br>On November 13, 2013, the court reinstated the habeas corpus proceeding filed by petitioner John David Ohlinger and granted his request for leave to file a supplemental "brief in support" of his claims no later than December 23, 2013. ( See Dkt. # 6). Noting that he previously filed a "Supporting Memorandum" regarding his claims, petitioner requests clarification about whether he should file a "memorandum" or a "brief"? (Dkt. # <u>7</u> ). Although the distinction has no particular significance at this point, for the sake of clarification the court directs petitioner to file a memorandum that supplements the one that he previously filed in this case. This supplemental supporting memorandum is due on or before December 23, 2013. The order entered on November 23, 2013 (dkt. # <u>6</u> ) is MODIFIED accordingly. Signed by District Judge William M. Conley on 11/19/2013. (elc),(ps) (Entered: 11/19/2013) |
| 12/10/2013 | <u>9</u>  | Letter from John Ohlinger regarding quality of photocopies (Attachments: # <u>1</u> Exhibits in Support, # <u>2</u> Envelope) (jaf),(ps) (Entered: 12/10/2013)   |
| 12/10/2013 | <u>10</u> | Letter from court in response to <u>9</u> Letter from John Ohlinger regarding quality of photocopies. (elc),(ps) (Entered: 12/10/2013)   |
| 12/23/2013 | <u>11</u> | Supplemental Memorandum re <u>1</u> Petition for Writ of Habeas Corpus by Petitioner John David Ohlinger. (Attachments: # <u>1</u> Disbursement Request,   |

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|            |           | # <u>2</u> Certificate of Service,<br># <u>3</u> Cover Letter,<br># <u>4</u> Envelope) (jaf),(ps) Modified on 12/23/2013 (elc). (Entered: 12/23/2013)   |
| 01/02/2014 | <u>12</u> | Letter Requesting Copies by Petitioner John David Ohlinger. (Attachments: # <u>1</u> Envelope) (jef),(ps) (Entered: 01/02/2014)   |
| 02/05/2014 | <u>13</u> | Letter Requesting Status Update by Petitioner John David Ohlinger. (Attachments: # <u>1</u> Envelope) (jaf),(ps) (Entered: 02/05/2014)  |
| 02/05/2014 | <u>14</u> | Motion for Appointment of Counsel by Petitioner John David Ohlinger. (Attachments: # <u>1</u> Cover Letter) (jaf),(ps) (Entered: 02/05/2014)  |
| 02/06/2014 | <u>15</u> | ORDER denying petitioner's <u>14</u> Motion for appointment of counsel without prejudice. Signed by District Judge William M. Conley on 2/6/2014. (jef),(ps) (Entered: 02/06/2014)  |
| 02/07/2014 | <u>16</u> | Order to Show Cause Issued. Materials delivered to Wisconsin Attorney General pursuant to informal service agreement for service on Respondent. Signed by District Judge William M. Conley on 2/7/2014. (jef),(ps) (Entered: 02/07/2014)  |
| 02/07/2014 | <u>17</u> | Acceptance of Service by DOJ on behalf of Respondent Michael Meisner. (Weber, Gregory),(ps) (Entered: 02/07/2014)   |
| 02/07/2014 | <u>18</u> | Notice 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. (elc),(ps) (Entered: 02/07/2014)  |
| 02/19/2014 | <u>19</u> | Motion for Reconsideration re <u>16</u> Order to Show Cause by Petitioner John David Ohlinger. (Attachments: # <u>1</u> Envelope) (jaf),(ps) (Entered: 02/19/2014)  |
| 02/20/2014 | 20        | ** TEXT ONLY ORDER **<br>On February 7, 2014, the court issued an order directing the respondent to show cause why the habeas corpus petition filed by state prisoner John Ohlinger should not be granted. Ohlinger has filed a motion for "reconsideration" that objects to the way the court characterized his first ground for relief, which concerns whether the trial court had jurisdiction to preside over the charges against him. Specifically, Ohlinger maintains that his true claim is that the trial court lacked "subject matter" jurisdiction to preside over the charges against him. To the extent that the choice of wording makes any difference, the motion (dkt. # 19) is GRANTED and the show cause order (dkt. # 16) is clarified accordingly. Signed by District Judge William M. Conley on 2/20/2014. (mfh),(ps) (Entered: 02/20/2014) |
| 02/21/2014 | <u>21</u> | Notice of Appearance filed by Jacob Julian Wittwer for Respondent Michael Meisner (Wittwer, Jacob),(ps) (Entered: 02/21/2014)   |
| 04/04/2014 | <u>22</u> | Motion for Extension of Time to File Answer by Respondent Michael Meisner. Motions referred to Magistrate Judge Stephen L. Crocker. (Attachments: # <u>1</u> Certificate of Service Motion for Extension of Time to File Answer) (Wittwer, Jacob),(ps) (Entered: 04/04/2014)  |
| 04/07/2014 | 23        | ** TEXT ONLY ORDER **<br>Respondent has filed a motion for a 30-day extension of time, up to and including May 8, 2014, in which to answer the habeas corpus petition filed by state inmate John Ohlinger. The respondent's motion (dkt. # <u>22</u> ) is GRANTED. Signed by District Judge William M. Conley on 4/7/14. (elc),(ps) (Entered: 04/07/2014)   |
| 04/08/2014 | <u>24</u> | Brief in Opposition by Petitioner John David Ohlinger re: <u>22</u> Motion for Extension of Time to File Answer, filed by Michael Meisner (Attachments: # <u>1</u> Envelope) (nlm),(ps) (Entered: 04/08/2014)   |
| 05/05/2014 | <u>25</u> | Second Motion for Extension of Time to File Answer by Respondent Michael Meisner. Motions referred to Magistrate Judge Stephen L. Crocker. (Attachments: # <u>1</u> Certificate of Service Motion for Second Extension of Time to File Answer) (Wittwer, Jacob),(ps) (Entered: 05/05/2014)  |

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| 05/05/2014 | 26        | ** TEXT ONLY ORDER **<br>Order GRANTING respondent's <u>25</u> Second Motion for Extension of Time to Answer. Respondent may have up to and including May 22, 2014 in which to answer the habeas corpus petition. Signed by District Judge William M. Conley on 5/5/2014. (elc),(ps) (Entered: 05/05/2014)  |
| 05/09/2014 | <u>27</u> | Copy of letter sent to AAG Witter from petitioner. (Attachments: # <u>1</u> Envelope) (jef),(ps) (Entered: 05/12/2014)  |
| 05/22/2014 | <u>28</u> | Response to <u>1</u> Petition for Writ of Habeas Corpus – State ( Filing fee \$ 5.00 receipt number 12688.) by Respondent Michael Meisner. (Attachments: # <u>1</u> Exhibit A – Judgment of Conviction in State v. John David Ohlinger, Racine County Circuit Court Case No. 2002CF224, dated July 25, 2006, # <u>2</u> Exhibit B – Brief and Appendix of Defendant–Appellant in State of Wisconsin v. John David Ohlinger, Wisconsin Court of Appeals Case No. 2008AP135–CR, dated March 25, 2008, # <u>3</u> Exhibit C – Brief of Plaintiff–Respondent in State of Wisconsin v. John David Ohlinger, Wisconsin Court of Appeals Case No. 2008AP135–CR, dated May 22, 2008, # <u>4</u> Exhibit D – Reply Brief of Defendant–Appellant in State of Wisconsin v. John David Ohlinger, Wisconsin Court of Appeals Case No. 2008AP135–CR, dated June 12, 2008, # <u>5</u> Exhibit E – Decision in State of Wisconsin v. John David Ohlinger, Wisconsin Court of Appeals Case No. 2008AP135–CR, dated March 12, 2009, # <u>6</u> Exhibit F – Defendant–Appellant–Petitioner's Petition for Review in State v. John David Ohlinger, Wisconsin Supreme Court Case No. 2008AP135–CR, dated April 1, 2009, # <u>7</u> Exhibit G –Plaintiff–Respondent's Response to petition for Review in State v. John David Ohlinger, Wisconsin Supreme Court Case No. 2008AP135–CR, dated April 14, 2009, # <u>8</u> Exhibit H – Order denying Petition for Review in State v. John David Ohlinger, Wisconsin Supreme Court Case No. 2008AP135–CR, dated September 11, 2009, # <u>9</u> Exhibit I – Petition for Writ of Habeas Corpus in State ex rel. John David Ohlinger v. Gregory Grams, Warden, Wisconsin Court of Appeals Case No. 2010AP1413–W, dated June 6, 2010, # <u>10</u> Exhibit J – Petition for Writ of Habeas Corpus in State ex rel. John David Ohlinger v. Gregory Grams, Warden, Wisconsin Court of Appeals Case No. 2010AP1413–W, dated June 6, 2010, # <u>11</u> Exhibit K – Reply to Response to Petition for Writ of Habeas Corpus in State ex rel. John David Ohlinger v. Gregory Grams, Warden, Wisconsin Court of Appeals Case No. 2010AP1413–W, dated October 15, 2010, # <u>12</u> Exhibit L – Decision of the Court of Appeals in State ex rel. John David Ohlinger v. Gregory Grams, Warden, Case No. 2010AP1413–W, dated February 10, 2011, # <u>13</u> Exhibit M – Petition for Review in State ex rel. John David Ohlinger v. Gregory Grams, Warden, Case No. 2010AP1413–W, dated April 3, 2011, filed in the Wisconsin Supreme Court, # <u>14</u> Exhibit N – State's Response to Petition for Review in State ex rel. John David Ohlinger v. Gregory Grams, Warden, Wisconsin Supreme Court Case No. 2010AP1413–W, dated April 28, 2011, # <u>15</u> Exhibit O – Reply to Response for Petition for Review in State ex rel. John David Ohlinger v. Gregory Grams, Warden, Case No. 2010AP1413–W, dated May 4, 2011, # <u>16</u> Exhibit P – Order dated September 1, 2011, of the Wisconsin Supreme Court in State ex rel. John David Ohlinger v. Gregory Grams, Warden, Case No. 2010AP1413–W, denying petition for review, # <u>17</u> Exhibit Q – Brief and Appendix of Defendant–Appellant in State v. John David Ohlinger, Wisconsin Court of Appeals Case No. 2012AP448, dated July 9, 2012, # <u>18</u> Exhibit R – State's response brief in State v. John David Ohlinger, Wisconsin Court of Appeals Case No. 2012AP448, dated August 14, 2012, # <u>19</u> Exhibit S – Reply brief of Defendant–Appellant in State v. John David Ohlinger, Wisconsin Court of Appeals Case No. 2012AP448, dated October 19, 2012, # <u>20</u> Exhibit T – Opinion and order dated February 27, 2013 affirming the order of the circuit court in State v. John David Ohlinger, Wisconsin Court of Appeals Case No. 2012AP448, # <u>21</u> Exhibit U – Defendant–Appellant's motion for reconsideration dated March 13, 2013, in State v. John David Ohlinger, Wisconsin Court of Appeals Case No. |

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|            |           | 2012AP448,<br># <u>22</u> Exhibit V – Wisconsin Court of Appeals order dated March 19, 2013, in State v. John David Ohlinger, denying motion for reconsideration in Case No. 2012AP448,<br># <u>23</u> Exhibit W – Defendant–Appellant–Petitioner's Petition for Review dated June 1, 2013 in State v. John David Ohlinger, Wisconsin Supreme Court Case No. 2012AP448,<br># <u>24</u> Exhibit X – Wisconsin Supreme Court order dated June 12, 2013, in State v. John David Ohlinger, Wisconsin Supreme Court Case No. 2012AP448, denying petition for review,<br># <u>25</u> Certificate of Service Answer with Exhibits A–II) (Wittwer, Jacob),(ps) (Entered: 05/22/2014) |
| 05/22/2014 | <u>29</u> | Transcript of Motion hearing held on March 14, 2005 in State v. John David Ohlinger, Racine County Circuit Court Case No. 02CF224 – Exhibit Y to Answer Opposing Petition for Habeas Corpus (Wittwer, Jacob),(ps) (Entered: 05/22/2014)  |
| 05/22/2014 | <u>30</u> | Transcript of hearing held on June 6, 2005 in State v. John David Ohlinger, Racine County Circuit Court Case No. 02CF224 – Exhibit Z to Answer Opposing Petition for Writ of Habeas Corpus (Wittwer, Jacob),(ps) Modified on 5/23/2014 (jaf). (Entered: 05/22/2014)  |
| 05/22/2014 | <u>31</u> | Transcript of Hearing held on July 14, 2005 in State v. John David Ohlinger, Racine County Circuit Court Case No. 02CF224 – Exhibit AA to Answer Opposing Petition for Writ of Habeas Corpus (Wittwer, Jacob),(ps) Modified on 5/23/2014 (jaf). (Entered: 05/22/2014)  |
| 05/22/2014 | <u>32</u> | Transcript of Hearing held on September 23, 2005 in State v. John David Ohlinger, Racine County Circuit Court Case No. 02CF224 – Exhibit BB to Answer Opposing Petition for Writ of Habeas Corpus (Wittwer, Jacob),(ps) Modified on 5/23/2014 (jaf). (Entered: 05/22/2014)   |
| 05/22/2014 | <u>33</u> | Transcript of Proceedings held on September 23, 2005 in State v. John David Ohlinger, Racine County Circuit Court Case No. 02CF224 – Exhibit CC to Answer Opposing Petition for Writ of Habeas Corpus (Wittwer, Jacob),(ps) Modified on 5/23/2014 (jaf). (Entered: 05/22/2014)   |
| 05/22/2014 | <u>34</u> | Transcript of Trial held on June 28, 2006 in State v. John David Ohlinger, Racine County Circuit Court Case No. 02CF224 – Exhibit DD to Answer Opposing Petition for Writ of Habeas Corpus (Wittwer, Jacob),(ps) (Entered: 05/22/2014)   |
| 05/22/2014 | <u>35</u> | Transcript of Trial held on June 29, 2006 in State v. John David Ohlinger, Racine County Circuit Court Case No. 02CF224 – Exhibit EE to Answer Opposing Petition for Writ of Habeas Corpus (Wittwer, Jacob),(ps) (Entered: 05/22/2014)   |
| 05/22/2014 | <u>36</u> | Transcript of Trial held on June 30, 2006 in State v. John David Ohlinger, Racine County Circuit Court Case No. 02CF224 – Exhibit FF to Answer Opposing Petition for Writ of Habeas Corpus (Wittwer, Jacob),(ps) (Entered: 05/22/2014)   |
| 05/22/2014 | <u>37</u> | Transcript of Sentencing Hearing held on July 24, 2006 in State v. John David Ohlinger, Racine County Circuit Court Case No. 02CF224 – Exhibit GG to Answer Opposing Petition for Writ of Habeas Corpus (Wittwer, Jacob),(ps) (Entered: 05/22/2014)  |
| 05/22/2014 | <u>38</u> | Transcript of Motion Hearing held on November 15, 2007 in State v. John David Ohlinger, Racine County Circuit Court Case No. 02CF224 – Exhibit HH to Answer Opposing Petition for Writ of Habeas Corpus (Wittwer, Jacob),(ps) (Entered: 05/22/2014)  |
| 05/22/2014 | <u>39</u> | Transcript of Transcript of Hearing held on November 27, 2007 in State v. John David Ohlinger, Racine County Circuit Court Case No. 02CF224 – Exhibit II to Answer Opposing Petition for Writ of Habeas Corpus (Attachments: # <u>1</u> Certificate of Service) (Wittwer, Jacob),(ps) (Entered: 05/22/2014)  |
| 05/22/2014 |           | Set Deadlines as to <u>1</u> Petition for Writ of Habeas Corpus – State. Petitioner's Brief in Support or written notice that he will rest on his initial brief is due 6/23/2014. Once petitioner submits additional briefing or gives written notice that he does not intend to file further briefing, respondent shall file a brief in opposition within 30 days. Once respondent files a brief in opposition, petitioner shall have 20 days to file a reply if he   |

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|            |           | wishes to do so. (elc),(ps) (Entered: 05/22/2014)  |
| 06/03/2014 | <u>40</u> | Motion for Ruling/Respondent in Procedural Default by Petitioner John David Ohlinger. (Attachments: # <u>1</u> Envelope) (elc),(ps) (Entered: 06/03/2014)  |
| 06/04/2014 | 41        | ** TEXT ONLY ORDER **<br>State inmate John David Ohlinger has filed a petition for habeas corpus relief pursuant to 28 U.S.C. § 2254 from a state court conviction. Ohlinger now seeks a default judgment, alleging that the respondent has failed to answer this court's show cause order. The record reflects, however, that respondent filed a timely answer on May 22, 2014. The respondent's answer includes a certificate of service documenting that a copy was mailed to Ohlinger at his address of record. Because the respondent has not failed to answer or otherwise defend this lawsuit, Ohlinger's motion for a default judgment (dkt. # <u>40</u> ) is DENIED. Signed by District Judge William M. Conley on 6/4/2014. (elc),(ps) (Entered: 06/04/2014)   |
| 06/05/2014 | <u>42</u> | Notice by Respondent Michael Meisner <i>Letter to Clerk clarifying that Answer with Exhibits was sent to petitioner; requesting petitioner to advise court if still not received; requesting court to advise if another set of documents be sent to petitioner.</i> (Attachments: # <u>1</u> Certificate of Service) (Wittwer, Jacob),(ps) (Entered: 06/05/2014)   |
| 06/09/2014 | <u>43</u> | Letter from petitioner that he has not received the state's response to the petition for writ of habeas corpus and request for a copy of the response and an extension of time to file his brief in support. (Attachments: # <u>1</u> NEF setting briefing on habeas petition, # <u>2</u> Second Copy of NEF setting briefing on habeas petition, # <u>3</u> Envelope) (elc),(ps) (Entered: 06/09/2014)  |
| 06/11/2014 | 44        | ** TEXT ONLY ORDER **<br>State inmate John David Ohlinger has filed a petition for habeas corpus relief pursuant to 28 U.S.C. § 2254 and the respondent filed a timely answer on May 22, 2014. Ohlinger has advised the court that he has not yet received a copy of the state's answer. (Dkt. # <u>43</u> .) Therefore, the respondent is directed to forward another copy of the answer to Ohlinger no later than June 20, 2014. The court notes that Ohlinger has already filed a memorandum in support of his petition. Ohlinger shall file any additional brief in support of his petition or give notice that he intends to rest on his initial memorandum no later than July 25, 2014. The respondent will then have 30 days to file a brief in opposition. Once respondent files a brief in opposition, Ohlinger will have 20 days in which to file a reply if he wishes to do so. Signed by District Judge William M. Conley on 6/11/2014. (jef),(ps) (Entered: 06/11/2014) |
| 06/11/2014 | <u>45</u> | Response re: 44 Text Only Order,, <i>Letter to Oppeneer confirming mailing of second file stamped Copy of Answer Opposing Petition for Writ of Habeas Corpus with Exhibits A–II to Petitioner</i> by Respondent Michael Meisner. (Attachments: # <u>1</u> Certificate of Service Letter to Oppeneer Confirmign Mailing of Second File–Stamped Copy of Answer with Exhibits A–II to Petitioner) (Wittwer, Jacob),(ps) (Entered: 06/11/2014)   |
| 06/12/2014 | <u>46</u> | Letter from petitioner dated June 11, 2014 re: copies (Attachments: # <u>1</u> Copy of June 5, 2014 Letter from AAG Wittwer, # <u>2</u> Envelope) (elc),(ps) (Entered: 06/12/2014)   |
| 06/18/2014 | <u>47</u> | Letter Requesting in forma pauperis application by Petitioner John David Ohlinger. (Attachments: # <u>1</u> Envelope) (elc),(ps) (Entered: 06/18/2014)   |
| 06/20/2014 | <u>48</u> | Letter from Clerk's Office in response to <u>47</u> letter requesting in forma pauperis application by Petitioner John David Ohlinger. (nlm),(ps) (Entered: 06/20/2014)  |
| 07/14/2014 | <u>49</u> | Motion for Appointment of Counsel and for an Extension of Time to file Brief in Support by Petitioner John David Ohlinger. (Attachments: # <u>1</u> Exhibit A – CCI Disciplinary Segregation Unit 2 General Reference Guide, # <u>2</u> Exhibit B – Disciplinary Hearing Decision, # <u>3</u> Exhibit C – Offender Complaint, # <u>4</u> Envelope) (elc),(ps) (Entered: 07/14/2014)  |

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| 07/14/2014 | <u>50</u> | Petition and Affidavit of Indigency re: <u>49</u> Motion for Appointment of Counsel by Petitioner John David Ohlinger. (elc),(ps) (Entered: 07/14/2014)  |
| 07/14/2014 | <u>51</u> | Prisoner Trust Fund Account Statement by Petitioner John David Ohlinger (elc),(ps) (Entered: 07/14/2014)   |
| 07/14/2014 | <u>52</u> | Letter from petitioner requesting return of Disciplinary Hearing Decision. (elc),(ps) (Entered: 07/14/2014)  |
| 07/14/2014 | <u>53</u> | Letter from clerk's office in response to <u>52</u> Letter from petitioner requesting return of Disciplinary Hearing Decision. (elc),(ps) (Entered: 07/14/2014)  |
| 07/15/2014 | <u>54</u> | ORDER denying <u>49</u> Motion for Appointment of Counsel. Petitioner's request for an extension of time to submit additional briefing is GRANTED. Petitioner shall file any additional briefing in support of his petition no later than 60 days from the date of this order. Signed by District Judge William M. Conley on 7/15/2014. (jef),(ps) (Entered: 07/15/2014) |
| 07/15/2014 |           | Reset Deadlines as to <u>1</u> Petition for Writ of Habeas Corpus – State. Brief in Support due 9/15/2014. (jef),(ps) (Entered: 07/15/2014)  |
| 07/16/2014 | <u>55</u> | Addendum to <u>49</u> Motion to Appoint Counsel, filed by John David Ohlinger (Attachments: # <u>1</u> ICE Report, Reviewer's Decision and Offender Complaint Appeal, # <u>2</u> Cover Letter and Envelope) (elc),(ps) (Entered: 07/16/2014)   |
| 07/31/2014 | <u>56</u> | Motion to Produce Additional Transcripts by Petitioner John David Ohlinger. (Attachments: # <u>1</u> Exhibit A – CCE Receipt of Inmate Complaint Number CCI–2014–12646, # <u>2</u> Envelope) (elc),(ps) (Entered: 07/31/2014)  |
| 07/31/2014 | <u>57</u> | Letter from petitioner John Ohlinger re: ordering copies of <u>56</u> motion to produce additional transcripts at a later date when funds exsit. (elc),(ps) (Entered: 07/31/2014)  |
| 08/01/2014 | <u>58</u> | Letter from Clerk's Office in response to <u>57</u> letter from petitioner John Ohlinger re: ordering copies of <u>56</u> motion to produce additional transcripts at a later date when funds exsit. (nlm),(ps) (Entered: 08/01/2014)  |
| 08/06/2014 |           | Set Deadlines as to petitioner's <u>56</u> Motion to Produce Additional Transcripts. Respondent's Brief in Opposition due 8/13/2014. (elc),(ps) (Entered: 08/06/2014)  |
| 08/07/2014 | <u>59</u> | Response Stating No Opposition by Respondent Michael Dittman re: <u>56</u> Motion to Produce filed by John David Ohlinger (Attachments: # <u>1</u> Certificate of Service) (Wittwer, Jacob),(ps) Modified on 8/7/2014. (lak) (Entered: 08/07/2014)   |
| 08/08/2014 | <u>60</u> | ORDER granting petitioner's <u>56</u> motion for additional pleadings and transcripts. The respondent shall file the requested pleadings and transcripts with the court and provide copies to Ohlinger within ten days of the date of this order. Signed by District Judge William M. Conley on 8/8/2014. (jef),(ps) (Entered: 08/08/2014)                               |
| 08/11/2014 | <u>61</u> | Response re: <u>60</u> Order on Motion to Produce <i>Additional State Court Transcripts</i> by Respondent Michael Dittman. (Attachments: # <u>1</u> Certificate of Service) (Wittwer, Jacob),(ps) Modified on 8/11/2014. (lak) (Entered: 08/11/2014)   |
| 08/11/2014 | <u>62</u> | Transcript of Motion Hearing held on August 16, 2002 in <i>Racine County Circuit Court Case No. 02–CF–224</i> . (Wittwer, Jacob),(ps) (Entered: 08/11/2014)  |
| 08/11/2014 | <u>63</u> | Transcript of Motion Hearing held on August 19, 2003 in <i>Racine County Circuit Court Case No. 02–CF–224</i> . (Wittwer, Jacob),(ps) (Entered: 08/11/2014)  |
| 08/11/2014 | <u>64</u> | Transcript of Motion Hearing held on December 8, 2003 in <i>Racine County Circuit Court Case No. 02–CF–0224</i> . (Wittwer, Jacob),(ps) (Entered: 08/11/2014)  |
| 08/11/2014 | <u>65</u> | Transcript of Hearing held on December 3, 2004 in <i>Racine County Circuit Court Case No. 02–CF–0224</i> . (Wittwer, Jacob),(ps) (Entered: 08/11/2014)   |
| 08/11/2014 | <u>66</u> | Transcript of Hearing held on December 13, 2004 in <i>Racine County Circuit Court Case No. 02–CF–0224</i> . (Wittwer, Jacob),(ps) (Entered: 08/11/2014)  |

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| 08/11/2014 | <u>67</u> | Transcript of Hearing held on December 20, 2004 in Racine County Circuit Court Case No. 02-CF-0224. (Wittwer, Jacob),(ps) (Entered: 08/11/2014)   |
| 08/11/2014 | <u>68</u> | Transcript of Hearing held on February 7, 2005 in Racine County Circuit Court Case No. 02-CF-0224. (Wittwer, Jacob),(ps) (Entered: 08/11/2014)  |
| 08/11/2014 | <u>69</u> | Transcript of Hearing held on February 9, 2006 in Racine County Circuit Court Case No. 02-CF-0224. (Wittwer, Jacob),(ps) (Entered: 08/11/2014)  |
| 08/11/2014 | <u>70</u> | Transcript of Hearing held on June 14, 2006 in Racine County Circuit Court Case No. 02-CF-0224. (Wittwer, Jacob),(ps) (Entered: 08/11/2014)   |
| 08/11/2014 | <u>71</u> | Transcript of Hearing held on June 22, 2006 in Racine County Circuit Court Case No. 02-CF-0224. (Wittwer, Jacob),(ps) (Entered: 08/11/2014)   |
| 08/11/2014 | <u>72</u> | Transcript of Hearing held on June 27, 2006 in Racine County Circuit Court Case No. 02-CF-0224. (Wittwer, Jacob),(ps) (Entered: 08/11/2014)   |
| 08/11/2014 | <u>73</u> | Transcript of Hearing held on June 2, 2006 in Racine County Circuit Court Case No. 02-CF-0224. (Wittwer, Jacob),(ps) (Entered: 08/11/2014)  |
| 08/15/2014 | <u>74</u> | Procedural Inquiry by Petitioner John David Ohlinger. (Attachments: # <u>1</u> Envelope) (elc),(ps) (Entered: 08/15/2014)   |
| 08/19/2014 | <u>75</u> | Letter from clerk's office in response to <u>74</u> Procedural Inquiry by Petitioner John David Ohlinger. (elc),(ps) (Entered: 08/19/2014)  |
| 09/09/2014 | <u>76</u> | Second Motion for Extension of Time to Reply by Petitioner John David Ohlinger. (Attachments: # <u>1</u> Envelope) (elc),(ps) (Entered: 09/09/2014)   |
| 09/09/2014 | 77        | <b>** TEXT ONLY ORDER **</b><br>State inmate John Ohlinger has filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254. The petitioner has now filed a second motion for a sixty-day extension of time, up to and including November 10, 2014, in which to file his support brief. It is ORDERED that the petitioners motion for an extension of time (dkt. # <u>76</u> ) is GRANTED. Signed by District Judge William M. Conley on 9/9/2014. (elc),(ps) (Entered: 09/09/2014)  |
| 11/05/2014 | <u>78</u> | Motion for Extension of Time by Petitioner John David Ohlinger. (Attachments: # <u>1</u> Envelope) (elc),(ps) (Entered: 11/05/2014)   |
| 11/05/2014 | 79        | <b>** TEXT ONLY ORDER **</b><br>State inmate John David Ohlinger has filed a petition for habeas corpus relief pursuant to 28 U.S.C. § 2254 and the respondent has filed an answer. Citing a lockdown at the prison facility where he resides and limitations on access to the library, Ohlinger has now filed a motion requesting a third extension of time, up to and including December 1, 2014, in which to file his supporting brief. It is ORDERED that Ohlinger's request for an extension (dkt. # <u>78</u> ) is GRANTED. Signed by District Judge William M. Conley on 11/5/2014. (elc),(ps) (Entered: 11/05/2014) |
| 12/01/2014 | <u>80</u> | <b>MOTION TO DISMISS</b> Without Prejudice by Petitioner John David Ohlinger. (Attachments: # <u>1</u> Cover Letter and Envelope) (elc),(ps) (Entered: 12/01/2014)  |
| 12/02/2014 |           | Set Deadlines as to <u>80</u> MOTION TO DISMISS. Respondent's Response due 12/12/2014. There will be no reply. (elc),(ps) (Entered: 12/02/2014)   |
| 12/09/2014 | <u>81</u> | Supplement to <u>80</u> Motion to Dismiss filed by John David Ohlinger (Attachments: # <u>1</u> Envelope) (elc),(ps) (Entered: 12/09/2014)  |
| 12/12/2014 | <u>82</u> | Brief in Opposition by Respondent Michael Dittman re: <u>80</u> Motion to Dismiss filed by John David Ohlinger (Attachments: # <u>1</u> Exhibit A – WICCA Docket of John David Ohlinger v. Gregory Grams, WI Court of Appeals Case No. 2010AP1413–W, # <u>2</u> Exhibit B – WICCA Docket of State of Wisconsin v. John David Ohlinger, Racine County Circuit Court Case No. 2002CF224, # <u>3</u> Exhibit C – Order of the Wisconsin Supreme Court, dated October 21, 2013, in State v. Ohlinger, Case No. 2012AP448, denying petition for review,  |



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|            |           | # <u>4</u> Certificate of Service) (Wittwer, Jacob),(ps) Modified on 12/12/2014. (lak) (Entered: 12/12/2014)   |
| 12/16/2014 | <u>83</u> | Letter Requesting Copies by Petitioner John David Ohlinger. (Attachments: # <u>1</u> Envelope) (jef),(ps) (Entered: 12/16/2014)  |
| 12/18/2014 | <u>84</u> | Motion for Leave to File reply brief in support of <u>80</u> MOTION TO DISMISS Without Prejudice by Petitioner John David Ohlinger. (Attachments: # <u>1</u> Envelope) (elc),(ps) (Entered: 12/18/2014)  |
| 12/19/2014 | <u>85</u> | Motion to Amend <u>80</u> Motion to Dismiss Without Prejudice by Petitioner John David Ohlinger. (Attachments: # <u>1</u> ICE Receipt dated 12/15/2014, # <u>2</u> Envelope) (nlm),(ps) (Entered: 12/19/2014)  |
| 12/24/2014 | <u>86</u> | Appendix to <u>85</u> Motion to Amend filed by John David Ohlinger. (Attachments: # <u>1</u> Appendix Exhibit A – Post Conviction Motion, 02cf224, # <u>2</u> Envelope) (jef),(ps) (Entered: 12/24/2014)   |
| 01/12/2015 | <u>87</u> | Motion to Stay further proceedings by Petitioner John David Ohlinger. (Attachments: # <u>1</u> Envelope) (elc),(ps) (Entered: 01/12/2015)  |
| 01/15/2015 | <u>88</u> | ORDER terminating <u>80</u> Motion to Dismiss as withdrawn by the petitioner; denying <u>85</u> amended motion for a stay to return to state court; granting in part and denying in part <u>87</u> Motion to Stay. Ohlinger may have ninety (90) days from the date of this order in which to file any additional briefing in support of his supplemental petition. Any additional brief in support filed by Ohlinger must be limited to the claims presented in his supplemental petition (dkt. # <u>11</u> ). No further extensions will be granted except upon substantial good cause shown. Once Ohlinger files his supplemental brief in response to this order, or the time to do so expires, respondent will have thirty (30) days in which to file a brief in opposition to the supplemental petition. Once the respondent files his brief in opposition, Ohlinger will have twenty days (20) to file a reply if he wishes to do so. Signed by District Judge William M. Conley on 1/15/2015. (jef),(ps) (Entered: 01/15/2015) |
| 01/15/2015 |           | Set/Reset Deadlines as to <u>1</u> Petition for Writ of Habeas Corpus. Petitioner's additional Brief in Support due 4/15/2015. Respondent will have thirty (30) days in which to file a brief in opposition to the supplemental petition. Once the respondent files his brief in opposition, Ohlinger will have twenty days (20) to file a reply if he wishes to do so. (jef),(ps) (Entered: 01/15/2015)   |
| 03/04/2015 | <u>89</u> | Motion to access release account funds to pay for copies, alternatively to waive the cost of copies and for an additional 30 days to file supplemental brief by Petitioner John David Ohlinger. (Attachments: # <u>1</u> Exhibit 1 – Offender Complaint and ICE Receipt, # <u>2</u> Exhibit 2 – 2/15/2015 Letter to Ms. Klipfel from Petitioner, # <u>3</u> Exhibit 3 – 2/16/2015 Memo from C. Klipfel re: Legal Loan Funds, # <u>4</u> Exhibit 4 – Letter to the Court that was not sent, # <u>5</u> Exhibits 5–6 – Trust Fund Account Statements (redacted), # <u>6</u> Exhibit 7 – Disbursement Request, # <u>7</u> Exhibit 8 – 2/25/2015 Correspondence/Disbursement Request and Response from Business Office, # <u>8</u> Cover Letter, # <u>9</u> Envelope) (elc),(ps) (Entered: 03/04/2015)   |
| 03/05/2015 | <u>90</u> | ORDER denying <u>89</u> Motion to access release account funds to pay for copies, alternatively to waive the cost of copies and for an additional 30 days to file his supplemental brief. Signed by District Judge William M. Conley on 3/5/2015. (elc),(ps) (Entered: 03/05/2015)   |
| 04/10/2015 | <u>91</u> | Motion for Reconsideration re <u>88</u> Order by Petitioner John David Ohlinger. (Attachments: # <u>1</u> Exhibits 1–8 – Letters, motions, response to petition, # <u>2</u> Envelope) (jef),(ps) (Entered: 04/10/2015)   |
| 04/10/2015 | <u>92</u> | Addendum to Supplemental Memorandum / Response to Order <u>88</u> Order by Petitioner John David Ohlinger. (jef),(ps) (Entered: 04/10/2015)  |

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| 04/15/2015 | <u>93</u>  | ORDER denying <u>91</u> Motion for Reconsideration. Signed by District Judge William M. Conley on 4/15/2015. (jef),(ps) (Entered: 04/15/2015)  |
| 04/21/2015 |            | Set/Reset Deadlines as to <u>1</u> Petition for Writ of Habeas Corpus. Respondent's Brief in Opposition due 5/11/2015. Once the respondent files his brief in opposition, petitioner Ohlinger will have twenty days (20) to file a reply if he wishes to do so. (jef),(ps) (Entered: 04/21/2015)   |
| 05/07/2015 | <u>94</u>  | Motion for Extension of Time by Respondent Michael Dittman. Motions referred to Magistrate Judge Stephen L. Crocker. (Attachments: # <u>1</u> Certificate of Service) (Wittwer, Jacob),(ps) Modified on 5/8/2015: It does not appear that the plaintiff received this electronically as indicated on the Certificate of Service. An updated Certificate of Service has been requested. (lak) (Entered: 05/07/2015) |
| 05/08/2015 | <u>95</u>  | Certificate of Service by Respondent Michael Dittman as to <u>94</u> Motion for Extension of Time. (Wittwer, Jacob),(ps) (Entered: 05/08/2015)   |
| 05/08/2015 | 96         | ** TEXT ONLY ORDER **<br>Order GRANTING respondent's <u>94</u> Motion for an Extension of Time until June 1, 2015 to file his brief in opposition. Petitioner Ohlinger will have twenty days after receipt of respondent's brief to file a reply if he wishes to do so. Signed by Magistrate Judge Stephen L. Crocker on 5/8/2015. (elc),(ps) (Entered: 05/08/2015)  |
| 05/28/2015 | <u>97</u>  | Motion for Extension of Time <i>to File Brief</i> by Respondent Michael Dittman. Motions referred to Magistrate Judge Stephen L. Crocker. (Attachments: # <u>1</u> Certificate of Service) (Wittwer, Jacob),(ps) (Entered: 05/28/2015)   |
| 05/29/2015 | 98         | ** TEXT ONLY ORDER **<br>Respondent's <u>97</u> Second Motion for Extension of Time until June 11, 2015 to file his opposition brief is GRANTED. Petitioner may have twenty days after receipt of respondent's brief in which to file a reply if he wishes to do so. Signed by Magistrate Judge Stephen L. Crocker on 5/29/2015. (elc),(ps) (Entered: 05/29/2015)  |
| 06/11/2015 | <u>99</u>  | Brief in Opposition by Respondent Michael Dittman re: <u>1</u> Petition for Writ of Habeas Corpus, filed by John David Ohlinger (Attachments: # <u>1</u> Certificate of Service) (Wittwer, Jacob),(ps) (Entered: 06/11/2015)   |
| 06/11/2015 |            | Set/Reset Deadlines as to <u>1</u> Petition for Writ of Habeas Corpus – State. Petitioner's Brief in Reply due 7/1/2015. (nln),(ps) (Entered: 06/11/2015)  |
| 07/01/2015 | <u>100</u> | Motion for Extension of Time to file reply brief by Petitioner John David Ohlinger. (Attachments: # <u>1</u> Envelope) (elc),(ps) (Entered: 07/01/2015)  |
| 07/01/2015 | 101        | ** TEXT ONLY ORDER **<br>Petitioner John Ohlinger's <u>100</u> Motion for an extension of time to file his habeas reply brief is GRANTED IN PART. Petitioner shall have 30 <i>calendar</i> days, until July 31, 2015, to file his brief in reply. Signed by Magistrate Judge Stephen L. Crocker on 7/1/2015. (elc),(ps) (Entered: 07/01/2015)  |
| 07/08/2015 | <u>102</u> | Letter Requesting Status Update on motion for extension of time by Petitioner John David Ohlinger. (Attachments: # <u>1</u> Envelope) (elc),(ps) (Entered: 07/08/2015)   |
| 07/31/2015 | <u>103</u> | Motion for a final extension of time to file reply brief by Petitioner John David Ohlinger. (Attachments: # <u>1</u> Envelope) (jef),(ps) (Entered: 07/31/2015)  |
| 07/31/2015 | 104        | ** TEXT ONLY ORDER **<br>ORDER granting <u>103</u> Motion for Extension of Time. Petitioner's Brief in Reply due 9/14/2015. Petitioner should keep in mind, he is unlikely to get another extension. Signed by Magistrate Judge Stephen L. Crocker on 7/31/2015. (nln),(ps) (Entered: 07/31/2015)  |
| 09/14/2015 | <u>105</u> | Motion for Extension of Time by Petitioner John David Ohlinger. (Attachments: # <u>1</u> Exhibits 1–4 – Disbursement requests, # <u>2</u> Envelope) (jef),(ps) (Entered: 09/15/2015)   |

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| 09/15/2015 | 106        | ** TEXT ONLY ORDER **<br>Petitioner's third request for an extension of his reply deadline is granted. The court will not grant a fourth extension absent a very persuasive showing of good cause. Brief in Reply due 9/24/2015. Signed by Magistrate Judge Stephen L. Crocker on 9/15/2015. (jef),(ps) (Entered: 09/15/2015)   |
| 09/23/2015 | <u>107</u> | Brief in Reply by Petitioner John David Ohlinger in Support of <u>1</u> Petition for Writ of Habeas Corpus. (Attachments:<br># <u>1</u> Exhibit 1 – U.S.S. Cavalier information, discharge report,<br># <u>2</u> Exhibit 2 – Online chat screen shot,<br># <u>3</u> Exhibit 3 – Email,<br># <u>4</u> Exhibit 4 – Activity report,<br># <u>5</u> Exhibit 5 – Letter,<br># <u>6</u> Exhibit 6 – Email,<br># <u>7</u> Envelope) (jef),(ps) (Entered: 09/23/2015) |
| 08/22/2016 | <u>108</u> | Motion to Correct <u>11</u> Supplemental Memorandum re: <u>1</u> Petition for Writ of Habeas Corpus by Petitioner John David Ohlinger. (Attachments:<br># <u>1</u> Cover Letter and Envelope) (elc),(ps) (Entered: 08/22/2016)  |
| 04/06/2017 | <u>109</u> | ORDER denying <u>1</u> Petition for Writ of Habeas Corpus and dismissing this case. A certificate of appealability is DENIED. Signed by District Judge William M. Conley on 4/6/2017. (jef),(ps) (Entered: 04/06/2017)  |
| 04/06/2017 | <u>110</u> | JUDGMENT entered denying <u>1</u> Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2254 and dismissing this case. Signed by Peter A. Oppeneer, Clerk of Court on 4/6/2017. (jef),(ps) (Entered: 04/06/2017)   |
| 05/04/2017 | <u>111</u> | NOTICE OF APPEAL by Petitioner John David Ohlinger as to <u>109</u> Order on Petition for Writ of Habeas Corpus, <u>110</u> Judgment. In forma pauperis pending. No Docketing Statement filed. (Attachments:<br># <u>1</u> Cover Letter,<br># <u>2</u> Envelope) (jef),(ps) (Entered: 05/04/2017)   |
| 05/04/2017 | <u>112</u> | Appeal Information Packet. (jef),(ps) (Entered: 05/04/2017)   |