

**U.S. District Court
Western District of Wisconsin (Madison)
CIVIL DOCKET FOR CASE #: 3:13-cv-00057-bbc**

Pidgeon, Curtis v. Smith, Judy
Assigned to: District Judge Barbara B. Crabb
Referred to: Magistrate Judge Stephen L. Crocker
Cause: 28:2254 Petition for Writ of Habeas Corpus (State)

Date Filed: 01/24/2013
Date Terminated: 09/02/2014
Jury Demand: None
Nature of Suit: 530 Habeas Corpus
(General)
Jurisdiction: Federal Question

Petitioner

Curtis J. Pidgeon

represented by **Julie K. Linnen**
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V.

Respondent

Judy Smith

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Date Filed	#	Docket Text
01/24/2013	<u>1</u>	Petition for Writ of Habeas Corpus – State (Filing fee \$ 5 receipt number 34690016348), filed by Curtis J. Pidgeon. (Case randomly assigned to District Judge Barbara B. Crabb) (Attachments: # <u>1</u> Exhibits, # <u>2</u> Cover Letter) (elc) (Entered: 01/24/2013)
02/11/2013	<u>2</u>	Request for Liberal Construction of Petition for Writ of Habeas Corpus by Petitioner Curtis J. Pidgeon. (Attachments: # <u>1</u> Envelope) (elc),(ps) (Entered: 02/11/2013)
04/09/2013	<u>3</u>	Order to Show Cause Issued. Materials served on WI Department of Justice pursuant to informal service agreement. Signed by District Judge Barbara B. Crabb on 4/9/2013. (jef),(ps) (Entered: 04/09/2013)
04/10/2013	<u>4</u>	Acceptance of Service by DOJ on behalf of Respondent Lizzie Tegels. (Weber, Gregory),(ps) (Entered: 04/10/2013)
04/10/2013	<u>5</u>	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 Peter A. Oppeneer on 4/10/2013. (jef),(ps) (Entered: 04/10/2013)
04/23/2013	<u>6</u>	Notice of Appearance filed by Jacob Julian Wittwer for Respondent Lizzie Tegels (Wittwer, Jacob),(ps) (Entered: 04/23/2013)
05/07/2013	<u>7</u>	Notice of Appearance filed by William Lynn Gansner for Respondent Lizzie Tegels (Gansner, William),(ps) (Entered: 05/07/2013)
05/09/2013	<u>8</u>	Motion for Extension of Time <i>For One-Week To Respond To Petition For Writ Of Habeas Corpus</i> by Respondent Lizzie Tegels. Motions referred to Magistrate Judge Stephen L. Crocker. (Attachments: # <u>1</u> Certificate of Service for extension motion) (Gansner, William),(ps) (Entered: 05/09/2013)
05/10/2013	9	** TEXT ONLY ORDER ** Order GRANTING respondent's <u>8</u> Motion for Extension of Time until May 16, 2013 to respond to the petition for a writ of habeas corpus. Signed by Magistrate Judge Stephen L. Crocker on 5/10/2013. (elc),(ps) (Entered: 05/10/2013)
05/15/2013	<u>10</u>	Response to <u>1</u> Petition for Writ of Habeas Corpus – State (Filing fee \$ 5 receipt number 34690016348.) <i>And Exhibits A through J</i> by Respondent Lizzie Tegels. (Attachments: # <u>1</u> Exhibit A–judgment of conviction, # <u>2</u> Exhibit B–Dodge Co Cir Ct order dated 2–19–10, # <u>3</u> Exhibit C–Brief filed by Pidgeon dated 12–29–10, # <u>4</u> Exhibit D–Brief filed by State of Wisconsin dated 3–9–11, # <u>5</u> Exhibit E–Brief filed by Pidgeon dated 4–8–11, # <u>6</u> Exhibit F–Court of Appeals order dated 8–23–11, # <u>7</u> Exhibit G–Motion for reconsideration filed by Pidgeon dated 9–7–11, # <u>8</u> Exhibit H–Court of Appeals order dated 9–14–11, # <u>9</u> Exhibit I–Petition for review filed by Pidgeon dated 10–27–11, # <u>10</u> Exhibit J–WI Supreme Court order dated 1–24–12, # <u>11</u> Certificate of Service for answer and Exs. A–J) (Gansner, William),(ps) (Entered: 05/15/2013)
05/16/2013		Set Deadlines as to <u>1</u> Petition for Writ of Habeas Corpus. Petitioner's Brief in Support due 6/17/2013. Respondent shall file a brief in opposition within 30 days of the date of service of petitioner's brief. Petitioner shall have 20 days after service of respondent's brief in which to file a reply brief. (elc),(ps) (Entered: 05/16/2013)

05/16/2013	<u>11</u>	Motion for Default Judgment as to Lizzie Tegels by Petitioner Curtis Pidgeon. (Attachments: # <u>1</u> Certificate of Service, # <u>2</u> Envelope) (elc),(ps) (Entered: 05/16/2013)
05/21/2013	<u>12</u>	ORDER denying petitioner's <u>11</u> Motion for entry of default. Signed by District Judge Barbara B. Crabb on 5/21/2013. (jef),(ps) (Entered: 05/21/2013)
05/24/2013	<u>13</u>	Motion for Assistance in Recruiting Counsel by Petitioner Curtis J. Pidgeon. (Attachments: # <u>1</u> Certificate of Service, # <u>2</u> Cover Letter and Envelope) (elc),(ps) (Entered: 05/24/2013)
06/05/2013	<u>14</u>	Letter from Petitioner to AAG Gansner requesting copy of paginated transcripts. (Attachments: # <u>1</u> Certificate of Service, # <u>2</u> Envelope) (elc),(ps) (Entered: 06/05/2013)
06/11/2013	<u>15</u>	ORDER denying <u>13</u> Motion for appointment of counsel. Signed by District Judge Barbara B. Crabb on 6/11/2013. (jef),(ps) (Entered: 06/11/2013)
06/13/2013	<u>16</u>	Motion for Extension of Time by Petitioner Curtis J. Pidgeon. Motions referred to Stephen L. Crocker. (Attachments: # <u>1</u> Cover Letter, # <u>2</u> Envelope) (jaf),(ps) (Entered: 06/13/2013)
06/14/2013	17	** TEXT ONLY ORDER ** ORDER granting <u>16</u> Motion for Extension of Time. Petitioner's Brief in Support due 7/18/2013. Respondent shall file a brief in opposition within 30 days of the date of service of petitioner's brief. Petitioner shall have 20 days after service of respondent's brief in which to file a reply brief. Signed by Magistrate Judge Stephen L. Crocker on 6/14/2013. (jef),(ps) (Entered: 06/14/2013)
07/17/2013	<u>18</u>	Brief in Support of <u>1</u> Petition for Writ of Habeas Corpus by Petitioner Curtis J. Pidgeon. (Attachments: # <u>1</u> Affidavit of service) (jef),(ps) (Additional attachment(s) added on 7/17/2013: # <u>2</u> RP1 – Status conference transcript, 07cf361, 3/18/08, # <u>3</u> RP2 – Plea Hearing transcript, 07cf361, 4/17/18, # <u>4</u> RP3 – Plea Hearing transcript, 07cf361, 5/21/08, # <u>5</u> RP4 – Plea questionnaire, stipulation, # <u>7</u> RP5 – Motion Hearing transcript, 07cf361, 3/11/09, # <u>8</u> RP6 – Other case 07cf361 documents and correspondence) (jef). (Entered: 07/17/2013)
07/17/2013	<u>19</u>	Affidavit of Curtis Pigeon re: <u>1</u> Petition for Writ of Habeas Corpus. (jef),(ps) (Entered: 07/17/2013)
07/17/2013		Set Briefing Deadlines as to <u>1</u> Petition for Writ of Habeas Corpus. Respondent's Brief in Opposition due 8/16/2013. Petitioner shall have 20 days after service of respondent's brief in which to file a reply brief. (jef),(ps) (Entered: 07/17/2013)
08/16/2013	<u>20</u>	Motion for Extension of Time <i>To Serve And File Brief In Opposition To Petition For Writ Of Habeas Corpus</i> by Respondent Lizzie Tegels. Motions referred to Magistrate Judge Stephen L. Crocker. (Attachments: # <u>1</u> Certificate of Service for extension motion) (Gansner, William),(ps) (Entered: 08/16/2013)
08/16/2013	21	** TEXT ONLY ORDER ** Order GRANTING respondent's <u>20</u> Motion for Extension of Time until September 13, 2013 to file her brief in opposition to the habeas petition. Signed by Magistrate Judge Stephen L. Crocker on 8/16/2013. (elc),(ps) (Entered: 08/16/2013)
09/12/2013	<u>22</u>	Motion for Extension of Time <i>For Additional Two–Week Extension To Serve And File Brief In Opposition To Petition For Writ Of Habeas Corpus</i> by Respondent Lizzie Tegels. Motions referred to Magistrate Judge Stephen L. Crocker. (Attachments: # <u>1</u> Certificate of Service for extension motion) (Gansner, William),(ps) (Entered: 09/12/2013)

09/12/2013	<u>23</u>	** TEXT ONLY ORDER ** ORDER granting respondent's second <u>22</u> Motion for Extension of Time until September 27, 2013 to file her brief in opposition to the habeas petition. The court will not grant a third request for an extension of this deadline. Petitioner shall have 20 days after service of respondent's brief in which to file a reply brief. Signed by Magistrate Judge Stephen L. Crocker on 9/12/2013. (jef),(ps) (Entered: 09/12/2013)
09/27/2013	<u>24</u>	Brief in Opposition by Respondent Lizzie Tegels re: <u>1</u> Petition for Writ of Habeas Corpus filed by Curtis J. Pidgeon (Attachments: # <u>1</u> Certificate of Service for brief in opposition) (Gansner, William),(ps) (Entered: 09/27/2013)
09/27/2013		Set Deadlines as to <u>1</u> Petition for Writ of Habeas Corpus – State. Petitioner's Brief in Reply due 10/17/2013. (elc),(ps) (Entered: 09/27/2013)
10/15/2013	<u>25</u>	Brief in Reply by Petitioner Curtis J. Pidgeon in Support of <u>1</u> Petition for Writ of Habeas Corpus (Attachments: # <u>1</u> Certificate of Service, # <u>2</u> Envelope) (jaf),(ps) (Entered: 10/15/2013)
10/17/2013	<u>26</u>	Motion for Assistance in Recruiting Counsel by Petitioner Curtis J. Pidgeon. (Attachments: # <u>1</u> Letters from Attorneys, # <u>2</u> Certificate of Service, # <u>3</u> Envelope) (jaf),(ps) (Entered: 10/17/2013)
11/04/2013	<u>27</u>	Notice of Change of Address, Request for Copy of Docket by Petitioner Curtis J. Pidgeon (Attachments: # <u>1</u> Envelope) (jaf),(ps) (Entered: 11/04/2013)
12/13/2013	<u>28</u>	ORDER that petitioner Curtis Pidgeon may have until December 30, 2013 to submit a six-month trust fund account statement so that the court may assess his financial eligibility for appointment of counsel. The court will schedule a prompt evidentiary hearing following resolution of petitioner's motion for appointment of counsel. Signed by District Judge Barbara B. Crabb on 12/13/2013. (jef),(ps) (Entered: 12/13/2013)
12/30/2013	<u>29</u>	Prisoner Trust Fund Account Statement by Petitioner Curtis J. Pidgeon (Attachments: # <u>1</u> Exhibits in Support, # <u>2</u> Cover Letter, # <u>3</u> Certificate of Service, # <u>4</u> Envelope) (jaf),(ps) (Entered: 12/30/2013)
12/30/2013	<u>30</u>	Letter confirming court received prior filing by Petitioner Curtis J. Pidgeon. (Attachments: # <u>1</u> Prior Submissions, # <u>2</u> Certificate of Service, # <u>3</u> Envelope) (jaf),(ps) (Entered: 12/30/2013)
12/31/2013	<u>31</u>	ORDER granting petitioner's <u>26</u> Motion for appointment of counsel. The court will recruit counsel for petitioner under the terms of the court's Criminal Justice Act Plan. Signed by District Judge Barbara B. Crabb on 12/31/2013. (jef),(ps) (Entered: 12/31/2013)
01/10/2014	<u>32</u>	Notice of Appearance filed by Julie K. Linnen for Petitioner Curtis J. Pidgeon (Linnen, Julie),(ps) (Entered: 01/10/2014)
01/10/2014	<u>33</u>	Notice of Appearance filed by Kelly A. Welsh for Petitioner Curtis J. Pidgeon (Welsh, Kelly),(ps) (Entered: 01/10/2014)
01/10/2014		Set Telephone Status Conference: Telephone Status Conference set for 1/22/2014 at 03:00 PM before Magistrate Judge Stephen L. Crocker. Counsel for Petitioner responsible for setting up the call to chambers at (608) 264-5153. (elc),(ps) (Entered: 01/10/2014)

01/22/2014		Minute Entry for proceedings held before Magistrate Judge Stephen L. Crocker: Telephone Status Conference held on 1/22/2014 [:20] (skv),(ps) (Entered: 01/22/2014)
01/23/2014	<u>34</u>	ORDER that not later than April 11, 2014, each side must file a pre-hearing brief with the court previewing what the court should expect at the evidentiary hearing. Not later than April 18, 2014, each side may file a response to its opponent's first brief. The court shall hold an evidentiary hearing on April 25, 2014 at 9:00 a.m. Signed by Magistrate Judge Stephen L. Crocker on 1/22/2014. (jef),(ps) (Entered: 01/23/2014)
01/23/2014		Set Deadlines/Hearings: Evidentiary Hearing set for 4/25/2014 at 09:00 AM. (jef),(ps) (Entered: 01/23/2014)
03/26/2014	<u>35</u>	Writ Issued for Curtis J. Pidgeon appearance on Friday, April 25, 2014 at 8:30 a.m. Original writ mailed to Oshkosh Correctional Institution. Courtesy copy sent to USMS. (jef),(ps) (Entered: 03/26/2014)
04/11/2014	<u>36</u>	Response re: <u>34</u> Order <i>setting pre-hearing briefing schedule</i> by Petitioner Curtis J. Pidgeon. (Linnen, Julie),(ps) (Entered: 04/11/2014)
04/14/2014	37	** TEXT ONLY ORDER ** The parties' motion to strike the pre-hearing briefing schedule, dkt. <u>36</u> , is GRANTED. A post-hearing briefing schedule will be set at the April 25, 2014 hearing. Signed by District Judge Barbara B. Crabb on 4/14/2014. (elc),(ps) (Entered: 04/14/2014)
04/24/2014	<u>38</u>	Response re: 37 Text Only Order, <i>Letter Regarding Stipulated Facts</i> by Petitioner Curtis J. Pidgeon. (Welsh, Kelly),(ps) (Entered: 04/24/2014)
04/25/2014	<u>39</u>	Minute Entry for proceedings held before District Judge Barbara B. Crabb: Evidentiary Hearing held on 4/25/2014 [1:00] (Court Reporter LS.) (elc),(ps) (Entered: 04/25/2014)
04/25/2014		Briefing set re: Post-Hearing Briefing. Brief in Support due 5/9/2014. Brief in Opposition due 5/23/2014. Brief in Reply due 5/30/2014. (elc),(ps) (Entered: 04/25/2014)
04/28/2014	<u>40</u>	Transcript of Evidentiary Hearing, held 4/25/2014 before Judge Barbara B. Crabb. Court Reporter: LS. Please review the court policy regarding electronic transcripts: see Electronic Transcript Instructions and Notice of Intent to Request Redaction . (elc),(ps) (Entered: 04/28/2014)
05/08/2014	<u>41</u>	Brief in Support of <u>1</u> Petition for Writ of Habeas Corpus by Petitioner Curtis J. Pidgeon (Attachments: # <u>1</u> Exhibit A-CCAP Printout) (Welsh, Kelly),(ps) (Entered: 05/08/2014)
05/22/2014	<u>42</u>	Motion for Extension of Time <i>For Four-Day Extension Of Time To Serve And File Post-Evidentiary Hearing Brief In Opposition To Petition For Writ Of Habeas Corpus</i> by Respondent Judy Smith. Motions referred to Magistrate Judge Stephen L. Crocker. (Gansner, William),(ps) (Entered: 05/22/2014)
05/23/2014	43	** TEXT ONLY ORDER ** Order GRANTING <u>42</u> Motion for Extension of Time. Respondent's Brief in Opposition is due May 30, 2014 . Petitioner's Brief in Reply is due June 6, 2014. Signed by Magistrate Judge Stephen L. Crocker on 5/23/2014. (elc),(ps) (Entered: 05/23/2014)
05/30/2014	<u>44</u>	Brief in Opposition by Respondent Judy Smith re: <u>1</u> Petition for Writ of Habeas Corpus filed by Curtis J. Pidgeon (Attachments: # <u>1</u> Certificate of Service) (Gansner, William),(ps) (Entered: 05/30/2014)
06/06/2014	<u>45</u>	Brief in Reply by Petitioner Curtis J. Pidgeon in Support of <u>1</u> Petition for Writ of Habeas Corpus. (Linnen, Julie),(ps) (Entered: 06/06/2014)
08/29/2014	<u>46</u>	ORDER granting <u>1</u> Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. Petitioner is to be released within 60 days of the issuance of this court's mandate unless the state advises the court before then that it intends to provide

		petitioner a prompt trial. Signed by District Judge Barbara B. Crabb on 8/29/2014. (jef),(ps) (Entered: 08/29/2014)
09/02/2014	<u>47</u>	JUDGMENT entered granting the petition of Curtis Pidgeon for a writ of habeas corpus under 28 U.S.C. § 2254. Petitioner is to be released within 60 days of the issuance of this court's mandate unless the state advises the court before then that it intends to provide petitioner a prompt trial. (BBC/PAO). (jef),(ps) (Entered: 09/02/2014)
10/01/2014	<u>48</u>	NOTICE OF APPEAL by Respondent Judy Smith as to <u>46</u> Order on Petition for Writ of Habeas Corpus,. Filing fee of \$ 505, receipt number 0758-1421699 paid. No Docketing Statement filed. (Gansner, William),(ps) (Entered: 10/01/2014)
10/01/2014	<u>49</u>	Appeal Information Packet. (jef),(ps) (Entered: 10/01/2014)