

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

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PHILLIP THOMAS,

Petitioner,

ORDER

v.

11-cr-118-wmc  
13-cv-135-wmc

UNITED STATES OF AMERICA,

Respondent.

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On February 23, 2012, this court sentenced Phillip Thomas to serve 130 months in prison, following his guilty plea to charges of conspiracy to possess with intent to distribute more than 100 grams of heroin. On February 22, 2013, Thomas filed a motion to vacate, set aside or correct his sentence pursuant to 28 U.S.C. § 2255. In one of his claims, Thomas argues that his trial attorney failed to file a notice of appeal from the sentence after he “expressly instructed” him to do so. The government has filed a response, noting that this claim will require an evidentiary hearing.

Because the interests of justice so require, the court will (1) appoint the Federal Public Defender or his designee to represent Thomas pursuant to 18 U.S.C. § 3006A(g); and (2) set this case for a scheduling conference.

ORDER

IT IS ORDERED that the Federal Defender Services of Wisconsin, Inc. is appointed to represent petitioner Phillip T. Thomas. A telephonic scheduling conference

will be held on June 28, 2013 at 1:30 p.m. Plaintiff shall initiate the call to the court.

Entered this 19th day of June, 2013.

BY THE COURT:

/s/

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WILLIAM M. CONLEY  
District Judge