

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

ERIC B. FENNE,

Petitioner,

v.

LIZZIE A. TEGELS,

Respondent.

ORDER

13-cv-485-bbc

On June 10, 2013, petitioner Eric B. Fenne filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, contending that he had been sentenced improperly as a repeater in the Circuit Court for Dane County in case no. 2011CF000105. My review of the Wisconsin Court System Circuit Court Access online indicates that petitioner is not the only person who believes that his sentence was improper. In fact, it appears that on July 11, 2013, petitioner's attorney moved to modify petitioner's sentence on the ground that the repeater allegation could not be charged and considered at sentencing and the trial court agreed and modified petitioner's sentence.

It does not seem that petitioner has any remaining claim that he could raise in this court. Unless petitioner shows the court otherwise and does so no later than September 10, 2013, this petition will be dismissed.

ORDER

IT IS ORDERED that petitioner Eric B. Fenne may have until September 10, 2013 in which to advise the court in writing that he intends to pursue this case and to explain why he has a claim to any further correction of his sentence. If petitioner fails to respond to this order, his petition will be dismissed.

Entered this 27th day of August, 2013.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge