

**U.S. District Court
Western District of Wisconsin (Madison)
CIVIL DOCKET FOR CASE #: 3:13-cv-00489-wmc**

Lagar, Humberto v. Tegels, Lizzie et al
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: 07/11/2013
Date Terminated: 10/23/2015
Jury Demand: None
Nature of Suit: 530 Habeas Corpus
(General)
Jurisdiction: Federal Question

Petitioner**Humberto Lagar**

represented by **Humberto Lagar**
1248 South 30th Street
Milwaukee, WI 53215
(414) 544-0860
PRO SE

V.

Respondent

Lizzie A. Tegels
Warden at JCI

represented by **William L. Gansner**
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TERMINATED: 11/09/2015
LEAD ATTORNEY

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ATTORNEY TO BE NOTICED

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TERMINATED: 07/22/2014

Respondent**The Parole Commission**

represented by **Gregory M. Weber**
(See above for address)
TERMINATED: 07/22/2014
LEAD ATTORNEY

Date Filed	#	Docket Text
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07/11/2013	<u>1</u>	Petition for Writ of Habeas Corpus – State, filed by Humberto Lagar. (Case non–randomly assigned to District Judge William M. Conley.) (Attachments: # <u>1</u> Cover Letter, # <u>2</u> Envelope) (jef) (Entered: 07/11/2013)
07/11/2013	<u>2</u>	Motion to Appoint Counsel by Petitioner Humberto Lagar. (jef),(ps) (Entered: 07/11/2013)
07/17/2013	<u>3</u>	ORDER on ifp request: Petitioner to submit Motion for ifp and trust fund account statement. (Motion and Trust Fund Account Statement due 8/7/2013.) Petitioner's <u>3</u> motion for appointment of counsel is DENIED without prejudice. Signed by Magistrate Judge Peter A. Oppeneer on 7/17/2013. (jef),(ps) (Entered: 07/17/2013)
07/26/2013	<u>4</u>	Response re <u>3</u> Order by Petitioner Humberto Lagar. (Attachments: # <u>1</u> Envelope) (elc),(ps) (Entered: 07/26/2013)
07/26/2013	<u>5</u>	Prisoner Trust Fund Account Statement by Petitioner Humberto Lagar (elc),(ps) (Additional attachment(s) added on 7/29/2013: # <u>1</u> IPP Calculation) (elc). (Entered: 07/26/2013)
07/29/2013	<u>6</u>	Addendum to <u>1</u> Petition for Writ of Habeas Corpus filed by Humberto Lagar (Attachments: # <u>1</u> 8/17/2009 Parole Commission – Presumptive Mandatory Release Review, # <u>2</u> 8/10/2010 Parole Commission – Presumptive Mandatory Release Review, # <u>3</u> 8/14/2012 Parole Commission – Presumptive Mandatory Release Review, # <u>4</u> 8/10/2012 Parole Commission – Presumptive Mandatory Release Review, # <u>5</u> Envelope) (elc),(ps) (Entered: 07/29/2013)
08/19/2013	<u>7</u>	Letter from petitioner dated August 16, 2013. (Attachments: # <u>1</u> Copy of August 16, 2013 Letter to Milwaukee County Judge Martens, # <u>2</u> Envelope) (elc),(ps) (Entered: 08/19/2013)
09/06/2013	<u>8</u>	Amendment to <u>1</u> Petition for Writ of Habeas Corpus (Attachments: # <u>1</u> Index of Attachments, # <u>2</u> Exhibit 1 – AODA Residential Discharge Summary, # <u>3</u> Exhibit 2 – Respondent's Brief in Opposition to Writ of Certiorari, # <u>4</u> Exhibit 3 – Milwaukee County Circuit Court Order dated 3/15/2011, # <u>5</u> Exhibit 4 – Letter from DOC to Petitioner dated July 6, 2011, # <u>6</u> Cover Letter and Envelope) (elc),(ps) (Entered: 09/06/2013)
09/06/2013	<u>9</u>	Letters from attorneys declining to represent petitioner in this matter. (elc),(ps) (Entered: 09/06/2013)
09/09/2013	<u>10</u>	Letter from petitioner dated August 25, 2013 (Attachments: # <u>1</u> Envelope) (elc),(ps) (Entered: 09/09/2013)
09/10/2013	<u>11</u>	Letter from clerk's office in response to <u>10</u> request for status update. (elc),(ps) (Entered: 09/10/2013)
09/18/2013	<u>12</u>	Amendment to <u>1</u> Petition for Writ of Habeas Corpus filed by Humberto Lagar (Attachments: # <u>1</u> Interview/Information Requests, # <u>2</u> Cover Letter, # <u>3</u> Envelope) (jaf),(ps) (Entered: 09/18/2013)
09/23/2013	<u>13</u>	Amendment to <u>1</u> Petition for Writ of Habeas Corpus filed by Humberto Lagar (Attachments: # <u>1</u> Notifications of Sentence Data, # <u>2</u> Envelope) (jaf),(ps) (Entered: 09/24/2013)
10/28/2013	<u>14</u>	Notice by Petitioner Humberto Lagar that the Supreme Court of Wisconsin has denied the petition for writ of habeas corpus in case2013AP1122W. (Attachments: # <u>1</u> Envelope) (elc),(ps) (Entered: 10/28/2013)
11/18/2013	<u>15</u>	MOTION FOR PRELIMINARY INJUNCTION by Petitioner Humberto Lagar. (Attachments: # <u>1</u> Cover Letter, # <u>2</u> Envelope) (jaf),(ps) (Entered: 11/19/2013)

12/26/2013	<u>16</u>	Supplement to <u>15</u> Motion for Preliminary Injunction filed by Humberto Lagar (Attachments: # <u>1</u> Exhibits in Support, # <u>2</u> Cover Letter, # <u>3</u> Envelope) (jaf),(ps) (Entered: 12/26/2013)
12/26/2013	<u>17</u>	Copy of Communication from Wisconsin Supreme Court by Petitioner Humberto Lagar. (Attachments: # <u>1</u> Cover Letter) (jaf),(ps) (Entered: 12/26/2013)
02/21/2014	<u>18</u>	Letter Supplement to <u>1</u> Petition for Writ of Habeas Corpus filed by Humberto Lagar. (Attachments: # <u>1</u> John Doe Petition filed in Circuit Court of Jackson County, # <u>2</u> Envelope) (jef),(ps) (Entered: 02/21/2014)
03/20/2014	<u>19</u>	Letter from Humberto Lagar (Attachments: # <u>1</u> copy of Plaintiff's letter to Ms. Dee J. Hall dated March 17, 2014, # <u>2</u> Envelope) (nlm),(ps) (Entered: 03/20/2014)
03/27/2014	<u>20</u>	ORDER that petitioner Humberto Lagar is directed to show cause, if any, by responding in writing within thirty (30) days of the date of this order why his petition should not be dismissed as barred by the doctrine of procedural default. Signed by District Judge William M. Conley on 3/26/2014. (jef),(ps) (Entered: 03/27/2014)
04/07/2014	<u>21</u>	Supplement to <u>1</u> Petition for Writ of Habeas Corpus filed by Humberto Lagar (Attachments: # <u>1</u> Exhibits A–N, # <u>2</u> Cover Letter, # <u>3</u> Envelope) (nlm),(ps) (Entered: 04/07/2014)
04/14/2014	<u>22</u>	Submission by Petitioner Humberto Lagar regarding Presumptive Mandatory Release Hearing. (Attachments: # <u>1</u> Release Plan Information and Waiver of Presumptive Mandatory Release Interview) (elc),(ps) (Entered: 04/14/2014)
06/06/2014	<u>23</u>	Order to Show Cause Issued. Materials served on WI Department of Justice pursuant to informal service agreement. Signed by District Judge William M. Conley on 6/6/2014. (jef),(ps) (Entered: 06/06/2014)
07/21/2014	<u>24</u>	Acceptance of Service by DOJ on behalf of Respondent Lizzie A. Tegels. (Weber, Gregory),(ps) (Entered: 07/21/2014)
07/21/2014	<u>25</u>	Notice of Appearance filed by William Lynn Gansner for Respondent Lizzie A. Tegels. (Gansner, William),(ps) (Entered: 07/21/2014)
07/22/2014	<u>26</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: 07/22/2014)
08/05/2014	<u>27</u>	Motion for Extension of Time to File Answer by Respondent Lizzie A. Tegels. Motions referred to Magistrate Judge Stephen L. Crocker. (Attachments: # <u>1</u> Certificate of Service) (Gansner, William),(ps) (Entered: 08/05/2014)
08/06/2014	28	** TEXT ONLY ORDER ** State inmate Humberto Lagar has filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254. The respondent has filed a motion for a ten–day extension of time, up to and including August 15, 2014, in which to answer. It is ORDERED that the respondent's motion for an extension of time (dkt. # <u>27</u>) is GRANTED. Signed by District Judge William M. Conley on 8/6/2014. (elc),(ps) (Entered: 08/06/2014)
08/15/2014	<u>29</u>	Response to <u>1</u> Petition for Writ of Habeas Corpus – State (Filing fee \$ 5.), (Attachments: # <u>1</u> Exhibit A – Judgment of Conviction, # <u>2</u> Certificate of Service) (Gansner, William),(ps) Modified on 8/15/2014. (lak) (Entered: 08/15/2014)
08/15/2014		Set Deadlines as to <u>1</u> Petition for Writ of Habeas Corpus. Petitioner's additional brief in support of his petition or written notice that he intends to rest on his initial brief due 9/15/2014. 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 wishes to do so. (elc),(ps) (Entered: 08/15/2014)
08/26/2014	<u>30</u>	Brief in Support of <u>1</u> Petition for Writ of Habeas Corpus by Petitioner Humberto Lagar (Attachments: # <u>1</u> Exhibits A–J, # <u>2</u> Cover Letter, # <u>3</u> Envelope) (nlm),(ps) (Entered: 08/26/2014)
08/27/2014		Set Deadlines as to <u>1</u> Petition for Writ of Habeas Corpus – State. Respondent's Brief in Opposition due 9/26/2014. Once respondent files a brief in opposition, petitioner shall have 20 days to file a reply if he wishes to do so. (elc),(ps) (Entered: 08/27/2014)
09/02/2014	<u>31</u>	MOTION FOR PRELIMINARY INJUNCTION by Petitioner Humberto Lagar. (Attachments: # <u>1</u> Cover Letter and Envelope) (elc),(ps) Modified on 10/23/2014 (nlm). Modified on 10/24/2014 (nlm). (Entered: 09/02/2014)
09/08/2014	32	** TEXT ONLY ORDER ** State inmate Humberto Lagar has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The respondent has filed an answer and Lagar has filed a brief in support of his petition. Lagar has also filed a motion for a preliminary injunction, arguing that he is entitled to relief in his favor. Lagar's motion for a preliminary injunction (dkt. # <u>31</u>) is DENIED at this time. The court will reconsider Lagar's arguments after the respondent has filed her brief in opposition to the petition and Lagar has submitted his brief in reply. Signed by District Judge William M. Conley on 9/8/2014. (elc),(ps) (Entered: 09/08/2014)
09/18/2014	<u>33</u>	Letter Supplement to <u>1</u> Petition for Writ of Habeas Corpus filed by Humberto Lagar (Attachments: # <u>1</u> Petitioner Humberto Lagar letter to Warden Tegels dated September 15, 2014, # <u>2</u> Envelope) (nlm),(ps) (Entered: 09/18/2014)
09/26/2014	<u>34</u>	Motion for Extension of Time <i>To Serve and File Brief In Opposition to Petition For A Writ Of Habeas Corpus</i> by Respondent Lizzie A. Tegels. Motions referred to Magistrate Judge Stephen L. Crocker. (Attachments: # <u>1</u> Certificate of Service) (Gansner, William),(ps) Modified on 9/29/2014. (lak) (Entered: 09/26/2014)
09/29/2014	35	** TEXT ONLY ORDER ** State inmate Humberto Lagar has filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254. The respondent has filed a motion seeking a ten–day extension of time, up to and including October 6, 2014, in which to submit a brief in opposition. It is ORDERED that the respondent's motion for an extension of time (dkt. # <u>34</u>) is GRANTED. Signed by District Judge William M. Conley on 9/29/2014. (jef),(ps) (Entered: 09/29/2014)
10/06/2014	<u>36</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 A. Tegels. Motions referred to Magistrate Judge Stephen L. Crocker. (Attachments: # <u>1</u> Certificate of Service) (Gansner, William),(ps) Modified on 10/7/2014. (lak) (Entered: 10/06/2014)
10/07/2014	37	** TEXT ONLY ORDER ** State inmate Humberto Lagar has filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254. The respondent has filed a second motion for an extension of time in which to submit a brief in opposition. The requested extension is minimal, extending the due date one week, from October 6 to October 13, 2014. Therefore, it is ORDERED that the respondent's motion for an extension of time (dkt. # <u>36</u>) is GRANTED. Signed by District Judge William M. Conley on 10/7/2014. (jef),(ps) (Entered: 10/07/2014)
10/13/2014	<u>38</u>	Brief in Opposition by Respondent Lizzie A. Tegels re: <u>1</u> Petition for Writ of Habeas Corpus filed by Humberto Lagar, (Attachments: # <u>1</u> Certificate of Service) (Gansner, William),(ps) Modified on 10/14/2014. (lak) (Entered: 10/13/2014)

10/14/2014	<u>39</u>	Objection to any further requests for an extension of time that respondent should file by Petitioner Humberto Lagar. (Attachments: # <u>1</u> Cover Letter and Envelope) (elc),(ps) (Entered: 10/14/2014)
10/23/2014	<u>40</u>	Brief in Reply by Petitioner Humberto Lagar in Support of <u>1</u> Petition for Writ of Habeas Corpus (Attachments: # <u>1</u> Cover Letter, # <u>2</u> Envelope) (nlm),(ps) (Entered: 10/23/2014)
10/29/2014	<u>41</u>	Correction to <u>40</u> Brief in Reply filed by Humberto Lagar. (Attachments: # <u>1</u> Cover Letter, # <u>2</u> Envelope) (nlm),(ps) (Entered: 10/29/2014)
11/20/2014	<u>42</u>	Copy of letter from plaintiff sent to Jackson County Judge Anna Becker. (Attachments: # <u>1</u> Letter sent to Judge Becker, # <u>2</u> Envelope) (jef),(ps) Modified on 11/20/2014 (jef). (Entered: 11/20/2014)
12/01/2014	<u>43</u>	Letter from petitioner regarding segregation. (Attachments: # <u>1</u> Letter to Warden Tegels, # <u>2</u> Envelope) (jef),(ps) (Entered: 12/01/2014)
04/10/2015	<u>44</u>	Letter Supplement to <u>1</u> Petition for Writ of Habeas Corpus filed by Humberto Lagar. (Attachments: # <u>1</u> Release Plan Information, # <u>2</u> Inmate Complaint by Law, # <u>3</u> Envelope) (nlm),(ps) (Entered: 04/10/2015)
06/15/2015	<u>45</u>	Motion for Reconsideration re 32 Order denying Motion for Preliminary Injunction by Petitioner Humberto Lagar. (Attachments: # <u>1</u> Cover Letter and Envelope) (elc),(ps) (Entered: 06/15/2015)
09/14/2015	<u>46</u>	Letter from Petitioner Humberto Lagar to Judge Conley requesting prompt disposition of this case. (Attachments: # <u>1</u> Cover Letter, # <u>2</u> Envelope) (nlm),(ps) (Entered: 09/14/2015)
10/23/2015	<u>47</u>	ORDER denying <u>1</u> Petition for Writ of Habeas Corpus and dismissing this case. No certificate of appealability will issue. Signed by District Judge William M. Conley on 10/23/2015. (jef),(ps) (Entered: 10/23/2015)
10/23/2015	<u>48</u>	JUDGMENT entered denying Humberto Lagar's petition for a writ of habeas corpus under 28 U.S.C. § 2254 and dismissing this case. (PAO/jef). (jef),(ps) (Additional attachment(s) added on 3/30/2017: # <u>1</u> Judgment) (jef). (Entered: 10/23/2015)
11/04/2015	<u>49</u>	Motion for Reconsideration by Petitioner Humberto Lagar re <u>47</u> Order on Petition for Writ of Habeas Corpus. (Attachments: # <u>1</u> Exhibits A and B – Horizon Healthcare, Inc. & Matt Talbot Recovery Services, Inc. AODA and CGIP brochure, # <u>2</u> Cover Letter, # <u>3</u> Envelope) (nlm),(ps) (Entered: 11/04/2015)
11/04/2015		Set Briefing Deadlines as to <u>49</u> Motion for Reconsideration re <u>47</u> Order on Petition for Writ of Habeas Corpus. Defendants' Brief in Opposition due 11/18/2015. Plaintiff's Brief in Reply due 11/25/2015. (nlm),(ps) (Entered: 11/04/2015)
11/09/2015	<u>50</u>	Notice of Appearance filed by Aaron R. O'Neil for Respondent Lizzie A. Tegels. (O'Neil, Aaron),(ps) (Entered: 11/09/2015)
11/16/2015	<u>51</u>	Brief in Opposition by Respondent Lizzie A. Tegels re: <u>49</u> Motion for Reconsideration, filed by Humberto Lagar, (Attachments: # <u>1</u> Certificate of Service) (O'Neil, Aaron),(ps) Modified on 11/17/2015. (lak) (Entered: 11/16/2015)
11/25/2015	<u>52</u>	Brief in Reply by Petitioner Humberto Lagar in Support of <u>49</u> Motion for Reconsideration. (Attachments: # <u>1</u> Cover Letter, # <u>2</u> Envelope) (nlm),(ps) (Entered: 11/25/2015)

03/07/2017	<u>53</u>	ORDER denying petitioner's <u>49</u> Motion to Alter or Amendment the Judgment under Fed. R. Civ. P. 59(e). Signed by District Judge William M. Conley on 3/7/2017. (jef),(ps) (Entered: 03/07/2017)
03/30/2017	<u>54</u>	NOTICE OF APPEAL by Petitioner Humberto Lagar as to <u>53</u> Order on Motion for Reconsideration, <u>48</u> Judgment, <u>47</u> Order. In forma pauperis pending. No Docketing Statement filed. (Attachments: # <u>1</u> Cover Letter, # <u>2</u> Envelope) (jef),(ps) (Entered: 03/30/2017)
03/30/2017	<u>55</u>	Appeal Information Packet. (jef),(ps) (Entered: 03/30/2017)