

**U.S. District Court
Western District of Wisconsin (Madison)
CIVIL DOCKET FOR CASE #: 3:15-cv-00731-bbc**

Gaston, Brandon v. Tegels, Lizzie
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: 11/17/2015
Date Terminated: 05/17/2016
Jury Demand: None
Nature of Suit: 530 Habeas Corpus
(General)
Jurisdiction: Federal Question

Petitioner**Brandon A. Gaston**

represented by **Brandon A. Gaston**
430372
Jackson Correctional Institution
N6500 Haipek Rd.
P.O. Box 233
Black River Falls, WI 54615-0232
(715) 284-4550
Fax: jackson correctional
PRO SE

V.

Respondent

Lizzie Tegels
Warden, Jackson Correctional Institution

represented by **Gregory M. Weber**
Wisconsin Department of Justice
P.O. Box 7857
Madison, WI 53707
608-266-3935
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Email: federalordersca@doj.state.wi.us
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jacob Julian Wittwer
Wisconsin Department of Justice
17 West Main Street, P.O. Box 7857
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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
11/17/2015	<u>1</u>	Petition for Writ of Habeas Corpus – State, filed by Brandon A. Gaston. (Case randomly assigned to District Judge Barbara B. Crabb) (Attachments: # <u>1</u> Envelope) (elc) (Entered: 11/17/2015)
11/17/2015	<u>2</u>	Brief in Support of <u>1</u> Petition for Writ of Habeas Corpus by Petitioner Brandon A. Gaston (Attachments: # <u>1</u> Exhibits) (elc),(ps) (Entered: 11/17/2015)
11/17/2015	<u>3</u>	Motion for Leave to Proceed in forma pauperis by Petitioner Brandon A. Gaston. (elc),(ps) (Entered: 11/17/2015)
11/17/2015	<u>4</u>	Prisoner Trust Fund Account Statement by Petitioner Brandon A. Gaston (elc),(ps) (Entered: 11/17/2015)

11/17/2015	<u>5</u>	Letter Requesting Copy of petition and exhibits by Petitioner Brandon A. Gaston. (elc),(ps) (Entered: 11/17/2015)
11/18/2015	<u>6</u>	ORDER denying <u>3</u> Motion for Leave to Proceed in forma pauperis. Fee due 12/10/2015. Signed by Magistrate Judge Peter A. Oppeneer on 11/18/2015. (jef),(ps) (Entered: 11/18/2015)
11/18/2015	<u>7</u>	Letter from clerk's office in response to <u>5</u> Letter Requesting Copy of petition and exhibits by Petitioner Brandon A. Gaston. (elc),(ps) (Entered: 11/18/2015)
12/07/2015	<u>8</u>	Letter from petitioner Brandon A. Gaston enclosing \$5.00 check for habeas filing fee. (Attachments: # <u>1</u> Envelope) (nlm),(ps) (Entered: 12/08/2015)
12/07/2015		Filing fee received: \$5.00, receipt number 34690024682. (nlm),(ps) (Entered: 12/08/2015)
01/22/2016	<u>9</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 1/22/2016. (jef),(ps) (Entered: 01/22/2016)
01/25/2016	<u>10</u>	Acceptance of Service by DOJ on behalf of Respondent Lizzie Tegels. (Weber, Gregory),(ps) (Entered: 01/25/2016)
01/26/2016	<u>11</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. (nlm),(ps) (Entered: 01/26/2016)
02/10/2016	<u>12</u>	Disregard. (Wittwer, Jacob),(ps) Modified on 2/10/2016 (nlm). (Entered: 02/10/2016)
02/10/2016	<u>13</u>	Notice of Appearance filed by Jacob Julian Wittwer for Respondent Lizzie Tegels. (Wittwer, Jacob),(ps) (Entered: 02/10/2016)
02/22/2016	<u>14</u>	Motion for Extension of Time by Respondent Lizzie Tegels. Motions referred to Magistrate Judge Stephen L. Crocker. (Attachments: # <u>1</u> Certificate of Service) (Wittwer, Jacob),(ps) (Entered: 02/22/2016)
02/22/2016	<u>15</u>	** TEXT ONLY ORDER ** ORDER granting respondent's <u>14</u> Motion for Extension of Time. Respondent's Brief in Opposition due 3/7/2016. Petitioner's Brief in Reply due 3/16/2016. Signed by District Judge Barbara B. Crabb on 2/22/2016. (jef),(ps) (Entered: 02/22/2016)
03/07/2016	<u>16</u>	Motion for Extension of Time by Respondent Lizzie Tegels. Motions referred to Magistrate Judge Stephen L. Crocker. (Attachments: # <u>1</u> Certificate of Service) (Wittwer, Jacob),(ps) (Entered: 03/07/2016)
03/07/2016	<u>17</u>	** TEXT ONLY ORDER ** ORDER granting <u>16</u> Motion for Extension of Time. Respondent's answer or response to the petition for writ of habeas corpus due 3/14/2016. Signed by Magistrate Judge Stephen L. Crocker on 3/07/2016. (nlm),(ps) (Entered: 03/07/2016)
03/14/2016	<u>18</u>	MOTION TO DISMISS by Respondent Lizzie Tegels. (Attachments: # <u>1</u> Certificate of Service) (Wittwer, Jacob),(ps) (Entered: 03/14/2016)
03/14/2016	<u>19</u>	Brief in Support of <u>18</u> Motion to Dismiss by Respondent Lizzie Tegels, (Attachments: # <u>1</u> Certificate of Service, # <u>2</u> Exhibit 1 – JOC, State v. Gaston, Case No. 2011CF737, # <u>3</u> Exhibit 2 – Court record events, WCCA, State v. Brandon Gaston, 2011CF737, # <u>4</u> Exhibit 3 – Case History, WSCCA Access Website, Appeal No. 2014AP1146–W) (Wittwer, Jacob),(ps) Modified on 3/15/2016: Exhibit 1 is unredacted. (lak) (Entered: 03/14/2016)
03/14/2016		Set Briefing Deadlines as to <u>18</u> MOTION TO DISMISS . Petitioner's Brief in Opposition due 4/4/2016. Respondent's Brief in Reply due 4/14/2016. (nlm),(ps) (Entered: 03/14/2016)
03/31/2016	<u>20</u>	Brief in Opposition by Petitioner Brandon A. Gaston re: <u>18</u> Motion to Dismiss filed by Lizzie Tegels. (Attachments: # <u>1</u> Ex. G1–G2 – Letters from Attorney Chris Gramstrup dated 12/03/13, # <u>2</u> Ex. F – letter from petitioner to Attorney Chris Gramstrup dated 11/16/13,

		# <u>3</u> Envelope) (nl), (ps) (Entered: 03/31/2016)
04/11/2016	<u>21</u>	Brief in Reply by Respondent Lizzie Tegels in Support of <u>18</u> Motion to Dismiss, (Attachments: # <u>1</u> Certificate of Service) (Wittwer, Jacob), (ps) (Entered: 04/11/2016)
05/17/2016	<u>22</u>	ORDER denying petitioner Brandon A. Gaston's petition for a writ of habeas corpus because it is untimely under 28 U.S.C. § 2244(d). No certificate of appealability shall issue. Signed by District Judge Barbara B. Crabb on 5/17/2016. (jef), (ps) (Entered: 05/17/2016)
05/17/2016	<u>23</u>	JUDGMENT denying petitioner Brandon A. Gaston's petition for a writ of habeas corpus because it is untimely under 28 U.S.C. § 2244(d) and dismissing this case. (PAO). (jef), (ps) (Entered: 05/17/2016)
06/13/2016	<u>24</u>	NOTICE OF APPEAL by Petitioner Brandon A. Gaston as to <u>22</u> Order on Motion to Dismiss, <u>23</u> Judgment. Fee or motion to proceed in forma pauperis due. No Docketing Statement filed. (Attachments: # <u>1</u> Envelope) (nl), (ps) (Entered: 06/13/2016)