

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

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RODELL THOMPSON,

Petitioner,

v.

BRIAN FOSTER, Warden,  
Waupun Correctional Institution,

Respondent.

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ORDER

17-cv-0805-wmc

This is a petition for habeas corpus relief brought under 28 U.S.C. § 2254 by Rodell Thompson, an inmate at the Waupun Correctional Institution. Petitioner has filed a series of motions for more time to file his brief in support of his petition; also pending is petitioner's second motion for the appointment of counsel. Dkts. 35, 37, 38, 41. Among other things, petitioner asserted that he was incapable of filing his own brief and was having trouble finding inmates to help him. In his most recent motion for an extension, however, petitioner asserts that Jerry Wheeler, an inmate who had previously assisted petitioner in this case, is now being housed in petitioner's hall at the institution and is willing to help petitioner write his brief, but he needs 90 days to do so.

Petitioner's request will be granted in part. His new deadline for filing a brief in support of his petition will be in 60 days, which is March 23, 2020. That should be sufficient time for Wheeler, who is already familiar with petitioner's case, to file a brief in support of the three claims of ineffective assistance of counsel asserted in the petition. No further extensions will be granted.

As for petitioner's motion for the appointment of counsel, the court presumes the motion is moot now that Wheeler is back on board. Even if not, however, the court would deny the motion for the reasons stated when it denied petitioner's last request. *See* dkt. 33.

ORDER

IT IS ORDERED that:

1. Petitioner's new deadline for filing a brief in support of his petition is March 23, 2020. This deadline is firm. Once petitioner submits his brief in support, respondent shall file a brief in response within 30 days. Once respondent files a brief in opposition, petitioner shall have 20 days to file a reply brief if he wishes to do so, although the filing of a reply is not necessary.
2. Petitioner's motion for the appointment of counsel, dkt. 35, is denied.

Entered this 23<sup>rd</sup> day of January, 2020.

BY THE COURT:

/s/

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STEPHEN L. CROCKER  
Magistrate Judge