

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

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UNITED STATES OF AMERICA,

Plaintiff,

v.

PATRICK W. BARRETT,

Defendant.

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ORDER

04-C-0855-C

02-CR-0101-C-01

In response to this court's order of February 7, 2005, defendant has filed a declaration in which he sets out the efforts he made to determine whether his court-appointed counsel had taken an appeal from defendant's sentence. The declaration does not answer all of the questions I have about defendant's ability to have filed this § 2255 motion earlier than he did but it is sufficient to require a response from the government.

Accordingly, IT IS ORDERED that the government may have until March 24, 2005, in which to file and serve a response to defendant's motion for post-conviction relief, limited to the question of the timeliness of the filing of the motion. Defendant may have until April 10, 2005, in which to file a reply to the government's submission. Both parties should

advise the court whether they believe an evidentiary hearing is or is not required.

Entered this 2nd day of March, 2005.

BY THE COURT:

BARBARA B. CRABB  
District Judge