

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

TONY B. OLIVER,

Petitioner,

ORDER

v.

03-C-433-C

DAN BENIK, Warden, Stanley Correctional
Institution,

Respondent.

On January 26, 2004, this court received a letter from petitioner Tony B. Oliver in which he requests that this case be stayed until he is released from prison so that he can obtain a lawyer to represent him and to prove his innocence. Petitioner's request must be denied. Because this court has already entered a final judgment in this case, what petitioner is essentially asking for is an open-ended extension of the time for filing an appeal. This court lacks the authority to grant that extension.

Pursuant to Rule 4 of the Federal Rules of Appellate Procedure, a copy of which is enclosed with this order, petitioner has 30 days from the date judgment was entered within which to file a notice of appeal. Pursuant to Rule 4(a)(5), this court may grant petitioner an extension if he requests one within the time prescribed by the rule; however, the rule sets limits on how much additional time this court may grant. The rule does not allow indefinite extensions like petitioner requests.

From petitioner's submissions in this case, I am confident that he can take the steps necessary to perfecting an appeal without the assistance of counsel. Once his appeal is perfected, he can renew his request for the appointment of counsel with the court of appeals. Alternatively, he can attempt to find private counsel to represent him.

Dated this 2nd day of February, 2004.

BY THE COURT:

BARBARA B. CRABB
District Judge