

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

RANDALL E. SPRINGEN,

Defendant.

OPINION AND ORDER

07-C-0064-C

03-CR-0135-C-01

Defendant Randall E. Springen has filed a motion for postconviction relief pursuant to 28 U.S.C. § 2255. He lists five grounds for seeking the vacation of his sentence but a close look reveals that all are variations of his contention that it was unconstitutional for the court to take into consideration evidence of his entire course of drug distribution when sentencing him. Although there is no merit to defendant's contention, it cannot even be considered because defendant raised the same contention when he took a direct appeal from his sentence.

Defendant argued to the court of appeals that it was error for the court not to confine its calculation of drug quantity to the amount to which he pleaded guilty. The court of appeals rejected that contention, saying that "judges can use a wide range of information in

determining drug quantity, as long as that information is reliable.” United States v. Springen, No. 04-2062, slip op. at 2 (7th Cir. Feb. 3, 2006).

Section 2255 is not intended to be either a substitute for a direct appeal or an opportunity to reargue matters decided on direct appeal. The law of the case doctrine precludes reargument. Daniels v. United States, 26 F.3d 706, 711 (7th Cir. 1994); United States v. Mazak, 789 F.2d 580, 581 (7th Cir. 1986). Therefore, even if I agreed with defendant that his sentence was computed improperly (which I do not), I cannot consider his contention.

ORDER

IT IS ORDERED that Randall E. Springen’s motion for post conviction relief, brought pursuant to 28 U.S.C. § 2255, is DENIED.

Entered this 15th day of February, 2007.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge