

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

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JAMES GOMEZ,

Petitioner,

ORDER

v.

04-C-0017-C

GERALD BERGE, Warden, Wisconsin  
Secure Program Facility,

Respondent.

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On November 26, 2004, this court entered an order in which it construed a letter from petitioner James Gomez as a notice of appeal and request for a certificate of appealability. In the order, I assumed that petitioner sought to pursue on appeal all the claims he presented in his habeas petition. I granted petitioner leave to proceed in forma pauperis on appeal and denied his request for a certificate of appealability with respect to all of his claims except his claim that he was denied his Sixth Amendment right to self-representation and protection against double jeopardy.

At the time I entered the order, I was unaware that petitioner had filed on that same date a notice of appeal and request for certificate of appealability. Having now reviewed those documents, I see no need to alter or amend the November 26, 2004, order. As I predicted, petitioner wants to appeal all the claims he presented in his habeas petition. The November 26, 2004, order explains the basis for my conclusion that petitioner is not entitled

to a certificate of appealability on any claim except his claim and that he was denied his right to self-representation and protection against double jeopardy. Accordingly, the November 26, 2004 order stands as the court's ruling on petitioner's notice of appeal and request for certificate of appealability.

Dated this 1st day of December, 2004.

BY THE COURT:

BARBARA B. CRABB  
District Judge