

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

MICHAEL RICHMOND,

Petitioner,

v.

JOSEPH SCIBANA, Warden of
Oxford Prison Camp,

Respondent.

ORDER

04-C-417-C

In an order entered in this case on June 23, 2004, I imposed a stay of all proceedings pending a decision by the Court of Appeals for the Seventh Circuit in White v. Scibana, No. 04-2410. Now petitioner has filed a motion to lift the stay.

When I imposed the stay in this case, I had not yet ruled in Caldwell v. Scibana, 04-C-342-C (copy attached), that I would not impose a stay in cases raising the claim raised in White v. Scibana, 314 F. Supp. 2d 834 (W.D. Wis. 2004), if (1) the petitioner submits a sentence computation from the Bureau of Prisons showing the inmate's term of imprisonment, good conduct time that has been both earned and disallowed, current release date and pre-release preparation date; and (2) I can conclude on the basis of that

information that the petitioner would be entitled to imminent release or eligible for an imminent halfway house placement after his good conduct time is recalculated in accordance with White.

Neither petitioner's petition nor petitioner's motion to lift the stay is supported by a recent Bureau of Prisons "Sentence Monitoring Computation Data" sheet" revealing when petitioner was sentenced and for how long, how much good conduct time he has earned and how much he has been disallowed and what his current release and pre-release preparation dates are. Therefore, I will deny petitioner's motion to lift the stay previously imposed in this case, without prejudice to his renewing the motion and supporting it with the necessary documentation.

ORDER

IT IS ORDERED that petitioner's motion to lift the stay in this case is DENIED without prejudice.

Entered this 13th day of October, 2004.

BY THE COURT:

BARBARA B. CRABB
District Judge