

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

BRIAN BRANCH,
Petitioner,

v.

JOSEPH SCIBANA,
Warden of Oxford Prison Camp,

Respondent.

ORDER
04-C-474-C

In an order entered in this case on July 16, 2004, I directed petitioner to supplement his petition for a writ of habeas corpus with documentation revealing the date of his sentence and his release date as it is presently calculated by the Bureau of Prisons. I advised petitioner that this information was important to a determination whether he would be prejudiced if I imposed a stay in this action pending a decision by the court of appeals in White v. Scibana, No. 04-2410. Petitioner has not responded to that order.

Because petitioner has not submitted documentation revealing the length of his sentence, his current release date and pre-release preparation dates and the good conduct time he has earned and been disallowed, I cannot find that he would be entitled to imminent release or eligible for an imminent halfway house transfer after his good conduct time is recalculated in accordance with White. Therefore, I cannot find that he will be prejudiced

if I stay issuance of an order to show cause in this case until the Court of Appeals for the Seventh Circuit decides the appeal in White.

ORDER

IT IS ORDERED that a STAY is imposed in this action pending disposition of the appeal in White v. Scibana, No. 04-2410.

Entered this 12th day of August, 2004.

BY THE COURT:

BARBARA B. CRABB
District Judge