

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

PAUL TAPPER,

Petitioner,

v.

JOSEPH SCIBANA, Warden,

Respondent.

ORDER

04-C-770-C

Respondent has moved for a stay of execution of the judgment entered in this case on November 19, 2004, pending a ruling on respondent's Rule 60 motion seeking vacation of the judgment in light of the December 2, 2004 decision of the Court of Appeals for the Seventh Circuit reversing this court's judgment in White v. Scibana, 314 F. Supp. 2d 834 (W.D. Wis. 2004). Because I cannot rule on respondent's Rule 60 motion until the court of appeals issues its mandate in White, I will grant respondent's motion for a stay of execution of the judgment pending a decision on the Rule 60 motion.

ORDER

IT IS ORDERED that execution of the judgment in this case is STAYED pending a ruling on respondent's Rule 60 motion.

Entered this 8th day of February, 2005.

BY THE COURT:

BARBARA B. CRABB
District Judge