

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

SHAWN KALISZEWSKI,

Petitioner,

ORDER

v.

05-C-213-C

DANIEL BENIK, Warden, Stanley
Correctional Institution,

Respondent.

On June 13, 2005, the court received a motion from petitioner Shawn Kaliszewski seeking summary judgment on his application for a writ of habeas corpus. The motion is dated June 7, 2005. The basis for the motion is petitioner's contention that as of that date, the state had not responded to his petition for a writ of habeas corpus, as ordered by this court in its order to show cause entered May 4, 2005. However, the state's response was filed with the court on June 6, 2005 and a copy mailed to petitioner on the same date; presumably, petitioner has now received his copy. Accordingly, there is no basis on which to grant petitioner's motion. Rather, the court will decide this case on the merits after petitioner submits his reply.

Petitioner's motion for summary judgment is DENIED.

Entered this 15th day of June, 2005.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge