

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

LARRY SPENCER,

Petitioner,

MEMORANDUM

v.

05-C-0666-C

CATHY FARREY, Warden,
New Lisbon Correctional Institution,

Respondent.

On September 25, 2006, petitioner filed a letter addressed to the clerk of court seeking answers to several questions concerning this court's recent dismissal of petitioner's application for a writ of habeas corpus. Petitioner has questions concerning how to go about filing an appeal, whether he may still submit motions to the court and whether he may submit an original copy of a document and have it returned to him.

Although some of petitioner's questions seek legal advice that I am not permitted to give, petitioner is advised as follows:

1. Rule 4(a) of the Rules of Appellate Procedure sets forth the time limits for filing an appeal in civil cases. A copy of the rule is enclosed.
2. If, before filing an appeal, petitioner prefers to ask this court to reconsider its judgment, then he may file a motion pursuant to Rule 59 of the Federal Rules of Civil

Procedure. Under that rule, a motion to alter or amend a judgment must be filed no later than 10 days after entry of judgment.

3. If petitioner wishes to submit the original habeas petition that he says he filed in this court on April 19, 2004 and ask for reconsideration on that basis, then he may do so. This court can photocopy the document and mail the original back to petitioner. However, as petitioner surely must recognize, this court cannot guarantee what happens to the document once it is placed in the mail stream.

Entered this 25th day of September, 2006.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge