

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

EARL D. PHIFFER,

ORDER

Petitioner,

10-cv-400-bbc

v.

GREGORY GRAMS, Warden,
Columbia Correctional Institution,

Respondent.

On February 15, 2011, I dismissed petitioner Earl Phiffer's petition for a writ of habeas corpus because he had not shown that he was in custody in violation of his constitutional right to equal protection under the law. On February 22, 2011, petitioner filed a notice of appeal, dkt. #37, and on February 23, he filed a motion for reconsideration of the dismissal of his petition, dkt. #40. On March 3, I denied petitioner's motion for reconsideration, concluding that because he had filed an appeal, this court no longer has authority to hear his case. Now petitioner has filed a renewed motion for reconsideration, dkt. #46. I will deny this motion for the reasons explained in the previous order, namely, that this court lacks authority to consider the motion.

ORDER

IT IS ORDERED that petitioner Earl Phiffer's renewed motion for reconsideration, dkt. #46, is DENIED.

Entered this 6th day of April, 2011.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge