

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

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DENNIS LEE HOHOL,

Petitioner,

v.

MICHAEL DITTMAN, Warden,

Respondent.  
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ORDER

10-cv-822-bbc

Petitioner Dennis Lee Hohol has filed a motion for reconsideration of the order dated January 24, 2011, dkt. #3, in which I concluded that petitioner had filed a successive petition in violation of 28 U.S.C. § 2244(b)(3)(A) because he was challenging the same convictions that he challenged in another petition that he filed in the Eastern District of Wisconsin in 2008. Hohol v. Dittmann, 08-cv-886 (E.D. Wis.). In the 2008 case, the court dismissed the petition on the ground that petitioner had procedurally defaulted his claims by failing to seek review in the Wisconsin Supreme Court.

In his motion for reconsideration, petitioner challenges the correctness of the decision of the court in the Eastern District of Wisconsin, but he misses the point. For the purpose of § 2244(b)(3)(A), I cannot question the correctness of the previous decision; the only

question is whether petitioner has filed a successive petition. To the extent petitioner believed the previous decision was wrong, his recourse was with the Court of the Appeals for the Seventh Circuit, not this court.

ORDER

IT IS ORDERED that petitioner Dennis Lee Hohol's motion for reconsideration, dkt. #5, is DENIED.

Entered this 3d day of February, 2011.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge