

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

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UNITED STATES OF AMERICA,

Plaintiff,

v.

RICHARD KARL WILLIAMS,

Defendant.  
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ORDER

11-cv-351-bbc  
09-cr-97-bbc

Defendant Richard Karl Williams has filed a motion for post conviction relief pursuant to 28 U.S.C. § 2255. He asserts that he was denied the effective assistance of counsel at his plea and sentencing hearing. Unfortunately for defendant, he has filed his motion too late for it to be considered.

Section 2255 has a one-year period of limitations that begins running from the latest of (1) the date on which the defendant's conviction becomes final; (2) the date on which any impediment to the filing of the motion has been removed, provided that the impediment was an illegal one created by government action and one that actually prevented the defendant from filing his motion; (3) the date on which the right asserted was recognized initially by

the Supreme Court, provided that the right was both newly recognized by the Court and made retroactively applicable to cases on collateral review; or (4) the date on which the defendant could have discovered the facts supporting his claims through the exercise of due diligence. § 2255

Defendant was sentenced on March 23, 2010; he did not appeal from his conviction or sentence so his conviction became final ten days after the judgment and commitment order was entered in this case, or approximately April 5, 2010. His § 2255 motion is undated but was received by the court on May 18, 2011, more than a year after his conviction had become final. Defendant has not alleged any facts from which an inference may be drawn that any one of the special circumstances apply in his case, and I am aware of none. Therefore, I conclude that defendant's motion is untimely.

#### ORDER

IT IS ORDERED that defendant Richard Karl Williams's motion for post conviction

relief under 28 U.S.C. § 2255 is DENIED as untimely. Defendant is not entitled to a certificate of appealability because he has not made a substantial showing of the denial of a constitutional right.

Entered this 25th day of May, 2011.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge