

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

RICHARD KARL WILLIAMS,

Defendant.

ORDER

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

On May 18, 2011, defendant Richard Karl Williams filed a motion for post conviction relief pursuant to 28 U.S.C. § 2255, asserting that he was denied the effective assistance of counsel at his plea and sentencing hearing. On May 25, 2011, I denied his motion as untimely.

Now defendant has filed a motion for reconsideration of the May 25, 2011 order. He argues that his motion is timely under the mailbox rule. In support of his motion, he submits an affidavit in which he states that he deposited his motion into the prison mail on March 23, 2011 and therefore, under the mailbox rule, his motion is timely. In reviewing defendant's affidavit, I note that although he states that it is a "sworn affidavit" it does not

contain the language necessary to be considered sworn. In order for his affidavit to be accepted, defendant must include in his affidavit, language that he swears “under penalty of perjury” that the information to which he avers is true and accurate.

Therefore, I will give defendant until July 11, 2011 in which to submit a sworn affidavit under penalty of perjury. If defendant does not provide such an affidavit by July 11, 2011, I will consider his motion as submitted.

Entered this 20th day of June, 2011.

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