

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 under 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. On June 15, 2011, defendant filed a motion for reconsideration of the May 25, 2011 order, claiming that his motion was timely under the “mailbox” rule. I gave defendant until July 11, 2011 in which to submit a sworn affidavit under penalty of perjury that he deposited his § 2255 motion in the mail before the April 5, 2011 deadline. Defendant has now filed a sworn affidavit which states that he avers that he deposited his § 2255 motion in the prison mail system on March 23, 2011.

Based upon defendant's sworn affidavit, his motion for reconsideration is GRANTED and his § 2255 motion is deemed timely.

The government shall have until August 12, 2011 in which to file a brief in opposition to defendant's § 2255 motion. Defendant shall until August 22, 2011 in which to file a reply.

Entered this 21st day of July, 2011.

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