

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL LUMBERT,

Defendant.

OPINION AND ORDER

12-cv-850-bbc

11-cr-66-bbc

Defendant Michael Lumbert filed a timely post conviction motion under 28 U.S.C. § 2255, contending that he was denied the effective assistance of counsel when he was charged with distributing and possessing cocaine base. A briefing schedule was established under which defendant's reply brief was to be filed by January 18, 2013. On January 28, 2013, defendant filed a late response, saying that he was in transit. He added that he could file an affidavit in support of his claims when he is no longer in transit.

Because defendant is unrepresented and presumably separated from his legal materials while he is in transit, I will accept the late reply brief and give defendant an opportunity to file an affidavit in support of his motion. He may have until February 28, 2013 in which to prepare and file his affidavit.

ORDER

IT IS ORDERED that defendant Michael Lumbert's reply brief will be filed and he may have until February 28, 2013 in which to file an affidavit in support of his motion for post conviction relief.

Entered this 29th day of January, 2013.

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