

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

RICHARD L. GIESE,

Petitioner,

ORDER

13-cv-62-bbc

v.

LIZZIE TEGELS,

Respondent.

Judgment was entered on August 20, 2013 denying petitioner Richard Giese's motion for post conviction relief under 28 U.S.C. § 2254. Now, petitioner has filed a motion for an extension of time to file a motion to alter or amend judgment under Fed. R. Civ. P. 59(e). Under Rule 59, plaintiff has until September 17, 2013 to file a motion to alter or amend the judgment.

The motion must be denied because this court has no power to extend a party's time to file a Rule 59 motion. Fed. R. Civ. P. 6(b)(2); Wells v. Ryker; 591 F.3d 562, 564 (7th Cir. 2010) ("an extension of a motion under Fed. R. Civ. P. 59(e) is forbidden by Fed. R. Civ. P. 6(b)(2)"). This means that petitioner cannot receive an extension of time to file a Rule 59 motion.

ORDER

IT IS ORDERED that petitioner Richard Giese's motion for an extension of time to file a motion to alter or amend judgment pursuant to Fed. R. Civ. P. 59(e) is DENIED.

Entered this 5th day of September, 2013.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge